



Rhode Island Department of Transportation

Contractor Compliance Program Manual

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RIDOT CONTRACTOR COMPLIANCE PROGRAM POLICY STATEMENT

The Rhode Island Department of Transportation is committed to Equal Employment Opportunity and strives to work collaboratively with all Federal program participants to ensure compliance with the implementing regulations, the Required Contract Provisions, and applicable State and Federal law. To that end, the Department will act affirmatively to assure that no person on the basis of race, color, national origin, religion, sex, age, or disability is subject to discrimination in the workforce of its contractors, subcontractors, and material suppliers engaged in the performance of a Federal-aid contract.

This Contractor Compliance Program outlines the procedures for monitoring and enforcing Federal Equal Employment Opportunity (EEO) contract provisions, which are outlined in FHWA Form 1273 and contained in every Federal-aid highway construction contract. While the Office of Business and Community Resources takes a lead role to effectuate the procedures outlined in this document, all personnel assigned responsibility under this program must ensure that their respective contract administration activities are consistent with the requirements stated herein. Overall responsibility for the management of the Contractor Compliance Program has been assigned to the Office of Business and Community Resources (OBCR) Administrator.



Peter Alviti Jr.
Director

7/17/15

Date

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CONTRACTOR COMPLIANCE PROGRAM (CCP)

The purpose of this program is to communicate prescribed practices and procedures required to effectuate the Equal Employment Opportunity (EEO) provisions for all Federal-aid contracts, both State and non-State managed. These procedures will be administered by the appropriate compliance personnel and support staff identified herein, and in accordance with the Federal Highway Administration's Contractor Compliance requirements outlined in 23 CFR 230, Appendix A of Subpart C, Part I.

**STATE ASSURANCE WITH REGARD TO
EQUAL EMPLOYMENT OPPORTUNITY AS REQUIRED BY
THE FEDERAL-AID HIGHWAY ACT OF 1968**

Pursuant to the requirements of Section 22(a) of the Federal-Aid Highway Act of 1968, the State of _____, desiring to avail itself of the benefits of Chapter 1, Title 23, United States Code, and as a condition to obtaining the approval of the Secretary of Transportation of any programs for projects as provided for in Title 23, United States Code, Section 105(a), hereby gives its assurance that employment in connection with all proposed projects approved on or after August 23, 1968, will be provided without regard to race, color, creed or national origin.

More specifically, and without limiting the above general assurance, the State highway department hereby gives the following specific assurances:

1. The State highway department will establish an Equal Opportunity Program in furtherance of the above General Assurance, which shall include a system to ascertain whether contractors and subcontractors are complying with their equal employment opportunity contract obligations and the degree to which such compliance is producing substantial progress on the various project sites in terms of minority group employment. The State highway department will furnish such information and reports regarding contractor and subcontractor compliance as may be requested by the Federal Highway Administration.
2. The State highway department program shall include effective procedures to assure that discrimination in employment on the grounds of race, color, creed or national origin will not be permitted on any projects and if discrimination exists at the time this assurance is made it will be corrected promptly.
3. The State highway department has appointed, or will appoint, an Equal Opportunity Coordinator whose primary duty shall be to administer the State's Equal Employment Opportunity Program as established pursuant to these assurances.
4. The State highway department will, on its own initiative, take affirmative action, including the imposition of contract sanctions and the initiation of appropriate legal proceedings under any applicable State or Federal law to achieve equal employment opportunity on Federal-aid highway projects and will actively cooperate with the Federal Highway Administration in all investigations and enforcement actions undertaken by the Federal Highway Administration.
5. The State highway department will establish and maintain effective liaison with public and private agencies and organizations which are, or should be, involved in equal opportunity programs. Such agencies and organizations include, but are not limited to labor unions, contractor associations, minority group organizations, the U. S. and State Employment Services, the U. S. and State Department of Labor.
6. The State highway department hereby agrees that it will seek the cooperation of unions, contractors, appropriate State agencies and other related organizations in the establishment of skill training programs, and will assure that all persons will have an opportunity to participate in such programs without regard to race, creed, color or national origin.
7. The State highway department hereby agrees that its own employment policies and practices with regard to State highway department employees any part of whose compensation is reimbursed from Federal funds will be without regard to race, color, creed or national origin.

8. The State highway department shall include in the advertised specifications notification of the specific equal employment opportunity responsibilities of the successful bidder as those responsibilities are currently defined and required by the Federal Highway Administration. No requirement or obligation shall be imposed as a condition precedent to the award of a contract for a project unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications. Procedures for the prequalification of Federal-aid contractors and subcontractors to determine their capability to comply with their equal employment opportunity contract obligations will be issued as a supplement to this interim assurance for implementation by December 1, 1968.

The State highway department will obtain and furnish to the Federal Highway Administration such information and reports as may be requested to enable the Federal Highway Administration to determine compliance by the State highway department with this assurance.

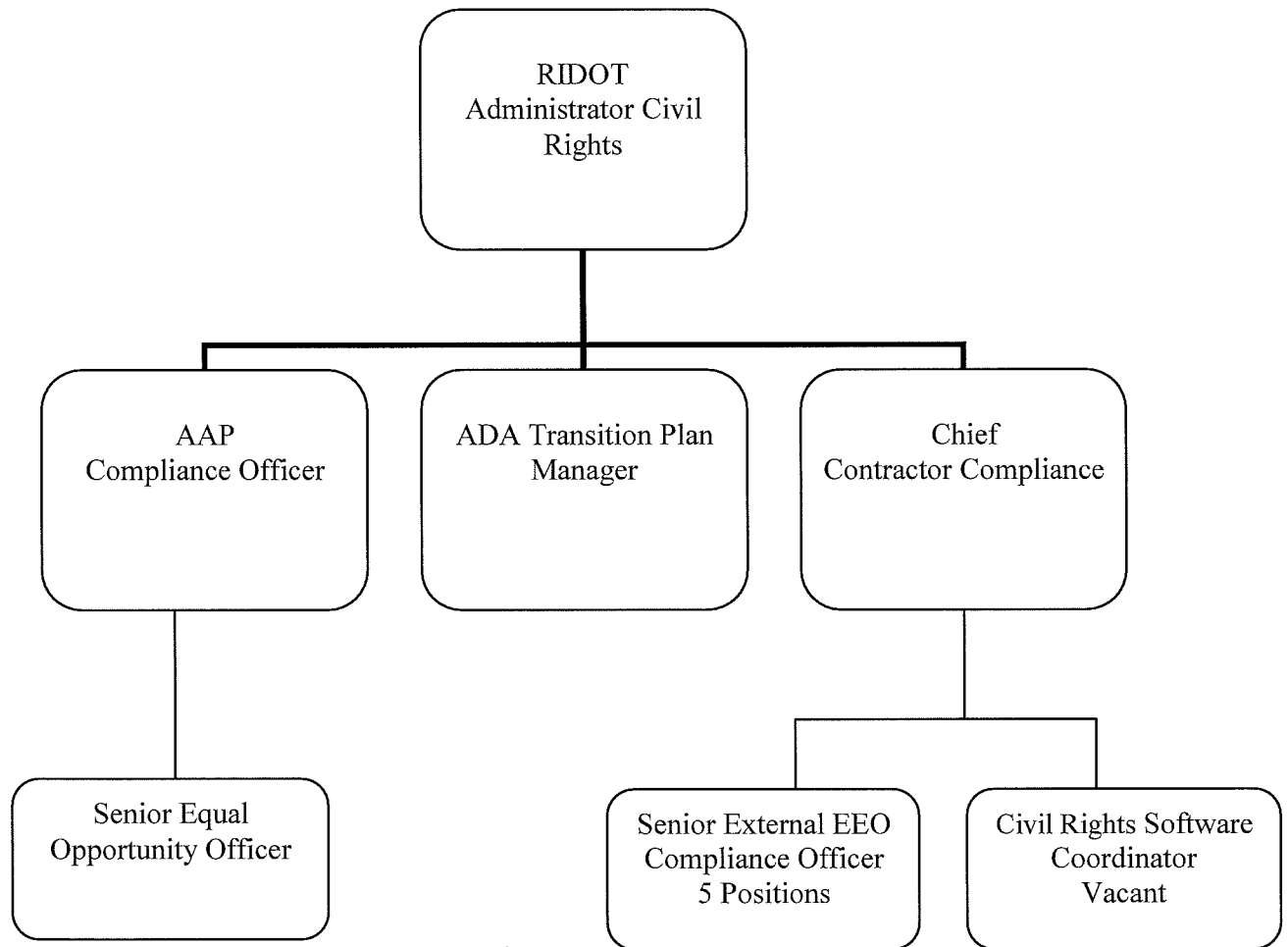
Signature:  _____

Title: _____

Date: _____

ORGANIZATION AND STRUCTURE:

Organizational Chart



A. RESPONSIBILITIES

1. Contract Compliance and Civil Rights Staff.

Key Personnel

a) Administrator – Office of Business and Community Resources

The OBCR ADMINISTRATOR has overall responsibility for the administration of the Department's contractor compliance program as outlined in 23 CFR, Part 230. The Administrator has responsibility for the development and implementation of procedures to ensure nondiscrimination in all programs administered by the Department, as well as those of federal program participants. The RIDOT Contractor Compliance Program is centralized and administered by the Office of Business and Community Resources located at the following address:

**Rhode Island Department of Transportation
2 Capitol Hill, Providence,
Rhode Island 02903**

- 1.) The Office of Business and Community Resources (OBCR) is staffed by an Administrator who manages one Chief Program Development Manager, five (5) full-time Compliance Officers and one (1) civil rights software coordinator. (see schematic above)
- 2.) The Administrator manages the Contractor Compliance, Disadvantaged Business Enterprise (DBE), DBE Contract Approvals, and Commercially Useful Function (CUF) On-the-Job Training (OJT), and Workforce Development Programs. Also;
- 3.) Reviews and researches Federal regulations, laws and policies related to civil rights compliance and advise agency staff, contractors and other Federal-aid project participants of the same.
- 4.) Develops and communicates written program procedures and requirements to federal agency staff, employees, and Federal-aid project participants in order to meet Federal compliance standards.

b) Contract Compliance Officer (CCO)

As indicated in the organization chart, RI DOT has each responsible for overseeing compliance in OJT, DBE, and EEO/affirmative action. The CCO is responsible for all monitoring and enforcement activities outlined below. Collectively, RI DOT Compliance Officers' duties include, but are not limited to, the following:

Attendance at Pre-construction Meetings
Conducting Periodic Field Audits
Conducting Comprehensive Home Office Reviews
Conducting Annual Training for Contractors and Resident Engineers
Commercially Useful Function Monitoring of DBEs
Monitoring Performance of Contractor OJT/apprenticeship Training
Programs and Training Special Provisions (TSPs)

- 1.) Field monitoring and audits are performed by the COs to ensure contractor compliance with the pertinent requirements of each federal-aid contract. Specifically, the On-the-job Training reviews ensure that contractors are properly fulfilling the requirements under their Training Special Provisions by conducting periodic on-site reviews; the Disadvantaged Business Enterprise consists of conducting post-award monitoring activities to ensure proper DBE utilization/commercially useful function relative to each DBE subcontract. The CCO will monitor each contractor's activities to ensure EEO and to affirmatively recruit in accordance with the "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications," as required by the FHWA Form 1273. The CCO's compliance responsibilities and monitoring activities include, but are not limited to the following:
 - a) Performs comprehensive home office reviews to ensure contractor compliance, as outlined in Section III of this program and in accordance with the regulations at 23 CFR 230.405 & 230.409.
 - b) Conducts periodic Field Audits that entail the following:
 1. A review of required postings and notices in accordance with the list at Appendix J.
 2. Documented employee interviews to ensure work environments are free from discrimination.
 3. Analysis of workforce data and monitors changes in contractors' workforces to determine the extent to which participating contractors are meeting their affirmative action obligations.
 4. Labor Compliance checks; prevailing wage verification
 5. OJT Training Special Provisions (TSP); conducts trainee interviews and reviews trainee performance/progress
 - c) Maintains files of all contractor compliance records, reports and program correspondence, including specific records or information on which compliance determinations are based.
 - d) Attends pre-construction meetings and communicates requirements and provides guidance concerning the pertinent Federal EEO and affirmative action provisions, including the Required Contract Provisions (FHWA Form 1273). The agenda is set by construction and also includes discussion of the OJT and DBE contract requirements.
 - e) Gathers information pertaining to external EEO complaints and provides oversight of investigations conducted by contractors to ensure appropriate resolution and the elimination of discrimination where found to exist.
 - f) Conducts annual compliance training for contractors and resident engineers.
- c) The Civil Rights Software Coordinator.

This position provides technical and administrative program assistance to the Disadvantaged Business Enterprise (DBE), On-the-Job Training (OJT), Affirmative Action, and Contractor Compliance Programs. Specifically, the coordinator collects and tracks compliance monitoring data submitted by contractors electronically and compiles and submits semi-annual and annual reports required by the regulations at 49 CFR Part 26 and 23 CFR Part 230.

In addition, the Civil Rights Software Coordinator maintains DBE program data relative to RI DOT's goal-setting methodology, including all historical data used to evaluate the availability of ready, willing and able DBEs.

d) Construction Operations/Resident Engineers.

Resident engineers (REs) are responsible for all aspects of contract administration. The RE provides oversight of each contract to ensure conformance with the pertinent provisions, plans and specifications. Each RE works collaboratively with RI DOT CO's to ensure the civil rights requirements pertinent to each contract are met. The Construction Operations Section has the responsibility for setting agendas and contractor compliance section is responsible for scheduling of pre-construction meetings for all federal aid contracts. The OBCR will work with Construction Operations with the scheduling of pre-construction meetings for all Federal-aid contracts. Each agenda includes sufficient time to discuss the EEO/OJT/DBE requirements related to each contract. Through the Subcontractor Approval Process, the Construction Operations Section ensures that the all Prime and Subcontractors certify that the pertinent civil rights program provisions are incorporated into each sub- and lower-tier contract (Appendix D).

II. COMPLIANCE PROCEDURES

A. APPLICABLE DIRECTIVES

- Construction Contract Equal Opportunity Compliance
- Procedures, 23 CFR 230, Subpart D
- EEO Special Provisions (23 CFR 230, Subpart A)
- Training Special Provisions (23 CFR 230, Subpart A, Appendix B)
- 49 CFR Part 26, Disadvantage Business Enterprise
- RIDOT Standard Specifications for Road and Bridge Construction
- FHWA 1273 (23 CFR 633.102)

B. IMPLEMENTATION

1. The OBCR Compliance Officers will provide training for contractors as needed during the winter shutdown period. All contractors with a current contract with RIDOT and those contractors bidding for future contracts are requested to attend the training. This training provides contractors with information related to the Required Contract Provisions and offers an open forum in which "best practices" can be exchanged. This training is specially tailored for project managers and human resource personnel of highway construction firms. As a means to encourage participation, RIDOT will send training CDs to all participating contractors.

2. Pre-Construction Meetings:

Contractors are initially advised of their EEO obligations at the pre-construction conference (Appendix B). Where a contractor is participating in an FHWA-assisted contract for the first time, an informational meeting is arranged to provide training to the contractor's EEO Officer. The Compliance Officer will make every effort to attend pre-construction conferences for all Federal-aid projects¹. The Compliance Officer will communicate the following information before the start of work pursuant to all State and non-State managed projects in excess of \$10,000:

a) Program Guidelines and Good Faith Efforts.

The contractor is also reminded of his/her responsibilities pursuant to FHWA Form 1273. The EEO Policy and Affirmative Action guidelines are to assist the company in complying with the terms of its Federal-aid contract. These guidelines include a list of employer actions that would be sufficient to constitute "good faith efforts" in recruiting and hiring female and minority workers.

- The contractor will, unless precluded by collective bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants.
- In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, he is expected to observe the provisions of that agreement to the extent that the system permits the contractor's compliance with EEO contract provisions.
- The contractor will encourage his present employees to refer minority group applicants for employment

b) Payroll Submission.

The contractors awarded RIDOT contracts are advised of the standards for certified payroll submission and measures that may be taken for failure to comply. Certified Payrolls are to be submitted weekly to the Resident Engineer and Civil Rights Software Coordinator, who is responsible for tracking and reporting the payroll submissions.

c) Record of Job Applicants.

Contractors are required to maintain a Log of Applicants from the start of each project. This form is to be maintained at the home office. This log is used to collect demographic information on each applicant applying for employment on the target project. The information is provided on a voluntary basis and is used during the Home Office Review process to assist in determining the company's good faith in its effort to hire minority and females candidates, as required by 23 CFR 230, Appendix A to Subpart A.

d) Assignment of EEO Officer.

Each contractor is provided with an EEO Officer Notification Form. Each prime contractor, subcontractor, and lower tier subcontractor is required to complete the form. The purpose of the form is to ensure that the contractor has assigned an EEO Officer to be responsible for overseeing and addressing all EEO matters to guarantee compliance. Companies are directed to complete and submit this notification within 30 days after the

¹ Where the Contractor has consistently demonstrated compliance and the project scope is limited, other means to communicate compliance procedures may be used.

pre-construction meeting.

e) On-the-Job Training Acknowledgement.

Where a contract includes an On-the-Job Training Special Provision, the contractor is required to submit an "On-the-Job Training Acknowledgement and Statement of Intent" to the Department for approval prior to commencement of work (Appendix H). This form serves as a training plan and is reviewed and approved by the Administrator. All training plans will be approved based on their feasibility with respect to the project scope and other program requirements. Once the contractor has selected a candidate, an "On-the-Job Training Program Enrollment/ Registration Form" is completed (for each trainee on the project). This form is submitted to the Compliance Officer for review and approval. Once the trainee is enrolled in the OJT Program, the contractor will submit "Monthly Training Reports" to the OJT Compliance Officer. A copy of this report is forwarded to the RIDOT Office of Business and Community Resources for review.

3. Field Audits

The prime contractor and sub-contractors working on LPA and municipally funded projects are informed of the standards and scope for field audits. A copy of the Field Audit Report (Appendix C) is sent via fax or email the next business day to the contractor's home office a copy if given to the RIDOT Contract Administrator and the original is given to the contractor's superintendent on site. The Field Audit Report informs the contractor of the company's standing with regards to its contractual EEO obligations. The contractor is further advised that all discrepancies must be corrected within seven calendar days, with a response sent directly to the OBCR Contractor Compliance Unit.

4. Monitoring Affirmative Recruitment

The Contract Compliance Officer (CCO) is responsible for monitoring the contractor's baseline workforce and subsequent monthly utilization reports (also through payroll) that may reflect a requirement for affirmative outreach and recruitment. Additionally, the Contract Compliance Review Checklist at Appendix E, when available, and any previously submitted FHWA Form 1391 will be used to evaluate the contractor's affirmative recruitment efforts during the field audit process. All determinations regarding a contractor's good faith in addressing underutilization of females and minorities will be made based on the appropriateness and intensity of its outreach and recruitment activities.

5. Contractor Reporting Requirements

Contractor's Annual Report (FHWA Form 1391)

Contractors and subcontractors are required to submit a Federal-aid Highway Construction Contractors Annual EEO Report, FHWA-1391. The PR-1391 annual report is submitted by the contractor to RIDOT, each July, for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. The employment data entered on the PR-1391 reflects the workforce on board during all or any part of the last payroll period preceding the end of the month of July. This information, in conjunction with Monthly Utilization Reports submitted by the contractor to the RI Office of Diversity, will be used to determine changes in the contractor's work force and the extent to which a contractor had an affirmative recruitment obligation.

Contractor Training Accomplishments Reports

The contractor is also required to collect and report training data. (23 CFR Part 230, Appendix A to Subpart A, (10) (a-c)). RIDOT must submit a written report annually of its external training programs and activities which includes accomplishments of its OJT Training Program goal. In the event RIDOT does not attain its goal during a calendar year, RIDOT at the end of the calendar year will inform the FHWA Division Administrator the reasons for its inability to meet the suggested minimum number of training slots and the steps to be taken to achieve the goal during the next calendar year. The information is to be submitted not later than 30 days from the end of the calendar year (23 CFR 230.111 (b)).

III. COMPLIANCE REVIEWS

A. Contractor Compliance Reviews (Appendix E)

The purpose of all Compliance Reviews is to determine the extent to which prime and subcontractors are maintaining nondiscriminatory hiring and employment practices and are taking affirmative action as outlined in the EEO and Training Special Provisions. The overall purpose of each review is to focus on the contractor's EEO program to ensure that applicants and employees are placed, trained, upgraded, promoted and otherwise treated equally without regard to race, color, national origin, religion, sex, disability, or age. The review provides a comprehensive evaluation of all aspects of employment practices and conditions. The workforce utilization goals are stated in the contract and the apparent low bidder is required to have an approved AAP on file with the State EEO Office. This must be confirmed by that office during post qualification.

B. Contractor Compliance Reviews (Appendix E)

The purpose of all Compliance Reviews is to determine the extent to which prime and subcontractors are maintaining nondiscriminatory hiring and employment practices and are taking affirmative action as outlined in the EEO and Training Special Provisions. The overall purpose of each review is to focus on the contractor's EEO program to ensure that applicants and employees are placed, trained, upgraded, promoted and otherwise treated equally without regard to race, color, national origin, religion, sex, disability, or age. The review provides a comprehensive evaluation of all aspects of employment practices and conditions. The workforce utilization goals are stated in the contract and the apparent low bidder is required to have an approved AAP on file with the State EEO Office. This must be confirmed by that office during post qualification.

1. Home Office Reviews:

In preparation for a Home Office Review, the contractor is contacted by telephone and a mutually agreed upon review date is confirmed. The CCO then sends a notification letter to the contractor. This correspondence will include instructions for the submission of any additional information required and not previously submitted with

the Desk Audit. The contractor will generally be notified at least 30 days prior to the Home Office Review. Once scheduling and notification are completed, the Home Office Review process continues in the following sequence:

- a) Preliminary Analysis: Using the contractor's documentation (including any documentation previously submitted and the completed Contract Compliance Review Checklist), the CCO analyzes employment practices, policies, and programs of the contractor to identify discrepancies with regard to form, and determines if all employment practices and policies appear to be consistent with the program requirements and applicable law. The CCO concludes the analysis by preparing a detailed written assessment.
- b) Onsite Verification: Onsite verification is conducted with the company's EEO officer. Upon arrival, the CCO conducts an initial briefing, highlighting the sequence and objectives of the review. The review then commences with an evaluation of the documentation previously submitted, and a visit of the Contractor's facilities and interviews of selected employees are conducted.
- c) Exit Conference. Immediately upon completion of the onsite verification, the CCO communicates, to the Contractor, any preliminary finding that would result in a non-compliance determination. The company is informed that a final determination will be made in 15 calendar days, and that any corrective action taken or additional documentation submitted will be considered. Contractors also have the option of submitting a Corrective Action Plan (CAP) (See template at Appendix F) for approval to the OBCR Administrator, provided it is submitted within the 15-day period. Approval of the plan is based on realistic actions and timeframes that would most likely bring the contractor into compliance. In the case of a CAP, the contractor will be required to submit monthly progress reports as to its progress in correcting noted deficiencies to the OBCR Administrator.
- d) Compliance Determination. (For any portion of the review identified as a violation of Executive Order 11246 and 41 Code of Federal Regulation Chapter 60, notification of such violations will be brought to the attention of the Office of Federal Contract Compliance Programs (OFFCP) of the US Department of Labor) and Federal Highway Administration (FHWA). Once a Home Office Review has been conducted and a determination made, the contractor shall be notified in writing of the compliance determination within 15 days. Concurrently, a summary report and determination of compliance non-compliance will be submitted to FHWA for concurrence. If the contractor is found to be in non-compliance, a copy of the issued show cause notice shall be included in RI DOT's submission to FHWA. The following determinations will be used Home Office Reviews:
 - 1.) "Compliant"-When it is found that the contractor has effectively implemented the equal opportunity requirements or has presented evidence that every good faith effort was made toward achieving that end, the contractor will then be found "Compliant."

- 2.) "Noncompliant"-A contractor shall be considered to be in noncompliance when:
 - a) The contractor has discriminated against applicants or employees with respect to the conditions or privileges of employment, or
 - b) The contractor fails to provide evidence of every good faith effort to provide equal opportunity, or
 - c) The contractor fails to provide the required compliance review documentation in a timely manner.
- 3.) When a determination of "Noncompliant" has been issued, a copy of the determination letter will be forwarded to the Chief of Construction and Chief Engineer, and a Show Cause Notice (Appendix G) will be submitted to the Director for signature. The notice advises the contractor to show cause within 30 days why sanctions should not be imposed.
 - a) The CCO shall develop and provide back-up documentation to support the show cause notice. This information will be submitted to the Administrator for review.
 - b) The Administrator will review the recommendation, background data, and final draft notice before submission to the Director or his/her designee. The notice should be issued within 30 days, and shall allow the contractor 30 days in which to show cause.
 - c) The notice shall also be sent to the OFFCP, regional office.
- 4.) Conciliation Efforts During Show Cause Period.
 - a) A Conciliation Conference will be scheduled with the Contractor approximately 15 days after receipt of the notice. The purpose of this meeting is to provide the Contractor with an opportunity to discuss the noncompliance finding, address any questions or concerns, provide assistance in outlining a corrective action plan, or to *show cause* by submitting:
 - i. Evidence refuting the noncompliance determination -A contractor may elect to refute the noncompliance finding by submitting clear and convincing evidence that the determination of noncompliance was reached in error. The "good faith efforts" evidenced by the contractor must have occurred prior to the date of the compliance review notice and must directly refute the basis of the noncompliance finding. Such evidence must be self authenticating. Corrective actions taken subsequent to a noncompliance finding cannot be considered in the reassessment of the initial noncompliance finding, but can be weighed as to ascertaining the

contractor's current and future compliance status;

ii. Or, A Corrective Action Plan (CAP)

- b) The Conciliation Conference will normally be held at the RIDOT building in Providence. The contractor's representative, OBCR Administrator (or designee), the Chief of Construction, State EEO Administrator (DOA)) and CCO, will all be in attendance. Advanced notice of attendees should be obtained. If legal counsel will be present to represent the contractor, RIDOT legal counsel shall be requested. The conciliation conference will be directed toward correcting contractor program deficiencies. Accordingly, a sample Corrective Action Plan (Appendix F) will be made available during the conference.
 - c) If the contractor is determined to be "in compliance" during the 30-day show cause period through the submission of a CAP, or by otherwise demonstrating that all deficiencies have been corrected, the show cause notice will be rescinded.
 - d) If the contractor fails to *show cause* during the conciliation conference or if an acceptable CAP cannot be established, the Contractor will be notified of the RIDOT's intent to impose sanctions, up to and including debarment for 3 years.
- 5.) Corrective Action Plan (CAP). The Administrator will shape the contractor's general commitments into a binding obligation. Before a formal CAP can be prepared, however, it must be clear that the contractor's stated corrective actions are realistic and sufficient to achieve "compliance." Each CAP must be adapted to the contractor and aimed at correcting the deficiencies cited within a specified timeframe. If accepted, the company president/owner and the RIDOT Administrator sign the CAP. Acceptable Corrective Action Plans will meet the following criteria:
- a) It must state specific actions that will be taken in recruitment, utilization, retention, and policy dissemination with respect to each deficiency noted.
 - b) Each action or activity to be carried out in "a)" above must have a specified completion date.
 - c) The corrective action must result in an operational change or procedure that demonstrates the potential to have a long-term, wide-range effect, rather than serving as a remedy for the current project.
 - d) In instances where the contractor has been found to have discriminated, corrective action must be instituted immediately.
 - e) A stated commitment to submit, every 30 calendar days, documentation of the company's progress toward completing the corrective actions

stated in their CAP.

- f) An acknowledgement that any changes to the CAP must be approved by the Administrator and that failure to demonstrate "every good faith effort" during the time that the CAP is in effect will result in sanctions.
- g) An acknowledgement that a follow-up review will be conducted in order to confirm the effectiveness of all implemented corrective actions.

C. FOLLOW-UP REVIEWS

1. A follow-up review is an extension of the initial review process to verify the contractor's progress or completion of corrective action. The follow-up reviews are done by the CCO assigned by the OBCR Administrator. These reviews should be conducted on the contractor's work force and other practices found in non-compliance at the earliest reasonable opportunity, and if the contractor is in declining work force, at the earliest possible date of the construction season, whichever allows the contractor the best opportunity to implement its CAP.
2. Follow-up reviews shall be reported as a narrative summary referencing the initial compliance determination and the subsequent corrective action plan.

D. HEARING PROCESS

1. Before a hearing can be requested, the Department shall have: 1) Issued a *Show Cause Notice* noncompliance determination to the contractor; 2) Issued a certified 30-day notice that cites the specific area(s) in which the contractor is in violation; 3) Provided the contractor an opportunity to show cause and/or present an acceptable Corrective Action Plan within the 30-day show cause period. When these efforts have proven unsuccessful in bringing a contractor into compliance, the Director or his/her designee may elect to impose one of the sanctions listed at Section IV.
2. The contractor will be notified (by certified mail) of the Department's intent to impose a specific sanction and he/she will be advised of the opportunity to request a hearing 30 days prior to the effective date of sanction.
 - a) If the contractor submits a timely request for a hearing, the specified sanction action will be held in abeyance until such time a final order is issued.
 - b) The hearing procedures set forth in The Rules and Regulations of the Rhode Island Department of Transportation shall be utilized to adjudicate compliance pursuant to this program.

E. RESPONSIBILITY DETERMINATIONS

In instances where a hearing is pending, the contractor may be declared non-responsive for inability to comply with the EEO requirements. In such cases, the Department will refrain from entering into any contract or contract modification with a contractor who has not demonstrated eligibility for government contracts and federally assisted construction contracts.

IV. CONTRACT SANCTIONS

A. The Rhode Island Department of Transportation will impose contract sanctions and initiate appropriate legal proceedings under applicable State and Federal law, if necessary, to achieve Equal Employment Opportunity on all Federal-aid highway projects.

B. In the event of a Contractor's noncompliance with the nondiscrimination provisions stated in the contract and after allowing a reasonable time (15 days) for corrective action to be taken, the Rhode Island Department of Transportation may, at its own discretion, impose contract sanctions including, but not limited to, the following.

- Withholding of payments to the contractor under the contract until the contractor complies;
- Cancellation, termination, or suspension of the contract, in whole or in part.
- The denial of bidding privileges and the initiation of debarment proceedings

C. The implementation of such sanctions shall not prevent the State of Rhode Island from entering into litigation to protect its interests and rights under the following applicable laws:

- Civil Rights Act of 1964 as amended
- Federal-aid Highway Act of 1968, 1970
- Americans with Disabilities Act of 1990

V. **COMPLAINTS -External Discrimination Complaint Procedures**

A. The OBCR Administrator will initiate the following procedures pertaining to the investigation of all complaints of discrimination or harassment filed by employees, former employees, and applicants of participating contractors.

1. When a complaint is filed with the Department, the OBCR Administrator will gather the following information in order to evaluate the complaint:

- a) Name, address and telephone number of the complainant
- b) Name(s) of respondent and employer relation to prime contractor
- c) Basis of complaint (i.e., race, color, national origin, religion, sex, disability, age)
- d) Date, time, and circumstances of most recent alleged misconduct
- e) Names of witnesses
- f) Action taken by employer against the respondent, if any

2. After receiving a complaint of discrimination or harassment, the OBCR Administrator will take the following actions:

- a) A letter acknowledging receipt of the allegation(s) will be sent to the complainant within 10 days. The letter will include a brief statement advising the complainant of the investigative process and applicable rights and protections in accordance with the contractor's policy, the required contract provisions and laws.
- b) The OBCR Administrator will notify the contractor's EEO Officer, and a meeting will be arranged to examine and determine the basis of the complaint and the extent to which an investigation is appropriate. The OBCR Administrator will provide specific guidance, while allowing the contractor to conduct an investigation consistent with its established policies and procedures. The contractor's investigator will be instructed to submit a detailed report of findings with proposed corrective action within 30 days. If the complexity of the investigation proves to be beyond the capacity of the prime contractor's expertise, the OBCR Administrator may forward the complaint to either the EEOC or the RI Commission on Human Rights. A written notice of such action will be sent to the complainant and prime contractor by the OBCR Administrator.

- c) The Contractor will submit a complete report of findings to RIDOT including, but not limited to, interview summaries of each witness, standard(s) used in deriving a finding, a finding based on the preponderance of evidence gathered, and proposed corrective action to be taken.
- d) The OBCR Administrator will review the contractor's findings and determine whether or not the proposed corrective action is sufficient to satisfy compliance with the Required Contract Provisions. If remedies are deemed sufficient, the investigating contractor will be instructed to proceed with the proposed action and provide the complainant with a letter of finding (within 45 days from receipt of the allegation(s)). The letter of finding will include a statement informing the complainant of avenues for appeal or recourse if he/she is dissatisfied with the finding or corrective action taken or proposed.
- e) After the respondent contractor has sent his or her report to the OBCR Administrator, the Administrator will provide the Civil Rights Specialist of the local FHWA office with a summary of the complaint and a copy of the contractor's findings. The contractor's report of findings and supporting documentation will be filed for a period of seven years.
- f) A follow-up review will occur to verify the effectiveness of the corrective action will be conducted 30 days after resolution has been issued.

VI) ON THE JOB TRAINING PROGRAM MONITORING
(See Appendix H)

- A. The Department primarily utilizes the following criteria to determine contracts to be assigned OJT hours and reimbursement:

Availability of targeted workers in the area (minorities, women and disadvantaged persons)

Potential for effective training

Duration of the contract

Dollar value of the contract

Geographic location

Type and complexity of work.

Total normal work force that the average bidder could be expected to use.

The need for additional journey workers in the area.

Recognition of the suggested minimum goal for the state.

A satisfactory ratio of trainees to journey workers expected to be on the contractors' workforce during normal operations.

- B. The Department's efforts to promote the participation of and identify the number of minorities, women, and disadvantaged persons who have completed training programs, including the extent of representation in each classification, are as follows:

1. A record is maintained of all individuals enrolled in the On-the-Job Training (OJT) Program to include completed requirements, terminations, and the current status of all trainees.
 - a) Follow-up reviews with current trainees are conducted monthly in order to evaluate program effectiveness. All interviews are conducted by the OJT Compliance Officer.
 - b) Pursuant to the Training Special Provisions, a review of the contractor's demographic information is conducted to ensure that consideration is given to each OJT candidate with respect to affirmative action requirements (41 CFR 60-4.2, Solicitations) and the contractor's current level of representation in each work classification.
 - c) The OJT Compliance Officer has established a recruiting network to identify prospective OJT candidates and link them with contractors upon request.
 - d) RIDOT's OJT/SS activities include an OJT pre-apprenticeship program whereby a community based, non-profit training consultant is under contract to provide pre-apprenticeship training specific to vertical construction. These graduates are referred to RIDOT contractors with OJT requirements and the need for women, minorities or veterans.

Appendix A

POST QUALIFICATION LETTER SAMPLE

April 17, 2015

Mr. President
Construction Co., Inc.
Jefferson Boulevard
Warwick, RI 02886

Ref: Project: Improvements
RI Contract No.: 2015-CH-000
BID Number: 1234567

Dear Mr. President

During the letting on April xx, 2015 for the subject project, your firm was the apparent low bidder with a submitted offer of \$ 1,000,000.00. In order to comply with all applicable State requirements prior to award, the Department is requesting that you submit to this office the information listed below no later than April xx, 2015. This information must be received before this office can recommend award of this contract to your firm as the lowest responsible bidder.

Please read this letter carefully and ensure that all applicable material requested is submitted within the allotted timeframe. Failure to submit the requested information within the specified time period, or incomplete submissions could result in disqualification of your firm as the apparent low bidder. The Department is not responsible for any delays in the award of this project as a result of incomplete submissions and/or failure to submit in time.

- 1) Please fill out and return one (1) copy of the attached Certification for Title VI Assurance. (Two (2) copies of Certification attached, reference Item 4 below.)
- 2) A list of equipment owned/leased in your possession which you propose to use on this contract if it is awarded to your firm.
- 3) The name and qualifications of your superintendent or supervisory personnel to be assigned to the major features of this work.

The name and qualifications of your Transportation Management Plan (TMP) Implementation Manager assigned to this project, along with certificates.

- 4) Provide the name(s) of proposed subcontractor(s) and the phase and the extent of the work which they will perform. If any have not performed similar work for this State, supply experience records for similar types of work performed elsewhere.

In accordance with the Code of Federal Regulations, 23 CFR 633.102(e), "The contractor shall insert in each subcontract, except as excluded by law or regulation, the required contract provisions contained in Form FHWA-1273 and further require their inclusion in any lower tier subcontract that may in turn be made. The required contract provisions of Form FHWA-1273 shall not be incorporated by reference in any case. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the requirements contained in the provisions of Form FHWA-1273." A copy of Form FHWA 1273 is attached for your use and information. Modifications to the provisions of Form FHWA-1273 are not allowed.

Similarly, pursuant to obligations imposed under Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d – 2000d-4, 23 CFR 200.9 and 49 CFR 21.7, the contractor shall include in every subcontract the provisions of paragraphs (1) through (6) of the attached Title VI Assurances, unless exempt by

regulations or directives issued pursuant to 49 CFR Part 21.

- 5) Please note that this project has been assigned an **x% DBE goal**. Your firm is required to submit to this Office **three (3) copies** of the executed contract agreement(s) between your firm and any qualified DBE subcontractor(s) who will perform work under this Contract. These executed contract agreements should be addressed to the Department's Construction Operations Section and will be forwarded for approval (WHEN APPLICABLE).

Please advise all DBE subcontractors that they must call 401-222-3260 x-4190, the Office of Business and Community Resources to schedule an appointment. If this is their first RIDOT subcontract or if they are a supplier, they must comply with this request prior to their subcontract being approved.

- 6) A contractor based program to provide on-the-job training must be approved by the Department as referenced in the *Required Contract Provisions for Federal-Aid Projects Index* under *Training Special Provisions (REV. 09/23/97) (Job Specific)* {Page 24}. This program must be submitted by your firm and any subcontractor(s) whose work is valued at \$10,000 or greater to the Department's Civil Rights Office for approval. Once approved, provide copy(ies) of said approval letter(s) to meet the requirements of this letter.

Please call 401-222-3260 x-4513 to obtain proper training approval form(s) and instruction for submittal if this is applicable

- 7) The name of the individual who will act as Equal Employment Opportunity Officer for your firm.
- 8) **The necessary compliance certificates from the State of Rhode Island Equal Opportunity Office are attached and will need to be submitted along with your Post Qualifications submission..**
- 9) CERTIFICATION OF NON-DISCRIMINATION IN EQUAL EMPLOYMENT OPPORTUNITY (Required Content Attached)

Provide new original on your company letterhead of the content attached dated and signed by your firm's authorized agent. Include specific reference to the applicable RI Contract Number, Federal Project Number (F.A.P) and Contract Name as cited at the top of this letter.

- 10) Special Provisions Requirement of CHAMPS Reporting System.

If your firm or any subcontractor(s) whose work is valued at \$10,000 or greater and have yet to acquire this system, you must contact the Contract Administration office at (401) 222-3260 for obtaining Microsoft Excel templates necessary for meeting the reporting requirements.

If your firm or any subcontractor(s) whose work is valued at \$10,000 or greater are currently in possession of the CHAMPS Reporting System you must continue reporting as usual. For any questions or additional information, please contact the Contract Administration office.

- 11) Your financial references and a complete set of **Audited Financial Statements certified by a certified public accountant (CPA)** for the most recent **three (3) year** period. Our records show that your most recent financial statements are for the Year Ending **December 31, 2013.**
- 12) Provide original letters directly from your **Bonding and Insurance Companies District Offices** indicating their willingness to furnish the required bonds and insurance certificates. Said correspondence should be forwarded with a separate letter of transmittal by the local agent. **A Power of Attorney must accompany each letter from both the District Office and Local Agent.**

Letters from the bonding and insurance companies should state the correct legal name of the company and the **address of its home office**. All surety companies must be listed with the Department of the Treasury, Fiscal Services, Circular 570 (latest revision published by the Federal Register).

Insurance documentation must name the State of Rhode Island and the Department of Transportation as "Additionally Insured", and a copy of the Endorsement of Additionally Insured must also be provided.

The above referenced information will be used in the preparation of contract documents and will be deemed unacceptable if not properly submitted.

- 13) List the 10 most recent contracts the firm has completed. If less than 10, include most recent subcontracts on projects up to that number. Please include:

Agency/Owner, Contact Person, and Telephone Number
Contract Number
Prime or Sub
Design Architect and/or Design Engineer
Award Date
Amount

- 14) List all current uncompleted construction contracts. Please include:

Agency/Owner, Contact Person, and Telephone Number
Contract Number
Prime or Sub
Design Architect and/or Design Engineer
Total \$ Amount of Firm's Contract (or Subcontract)
\$ Amount Sublet to Others
Uncompleted \$ Amount of Firm's Contract (or Subcontract)

- 15) Within the past three years has your firm been the subject of any of the following:

a rejection of any bid for lack of qualifications, responsibility or because of the submission of an informal, non-responsive or incomplete bid?
a denial or revocation of prequalification?
a violation of any State Labor Law or prevailing wage citation?

Please respond to each question and describe in detail the circumstances of each affirmative answer; attach additional pages/Certificates of Good Standing if necessary.

In order to expedite the progress of this project toward award, it is respectfully requested that the above information be submitted to this Department no later than **April 27, 2015**. Please take steps necessary to ensure that all of the required documentation is submitted directly to this office with each component of the response numbered to correspond with this itemized request.

Please note that the Department will not be held responsible for any delays in the award of this project as a result of incomplete submissions and/or failure to submit the required material within the specified time frame. Any delays in the award of the project as a result, will be entirely the Contractor's responsibility.

Sincerely,

Vanessa Crum, Esq.
Administrator, Contracts & Specifications
Management Services

Attachments

cc: Corrao, Director's Office, Farhoumand, Flanders, Hawkes, Lambert (RDOA), Marzano, McIntyre (RDOA); file

Appendix B



Rhode Island Department of Transportation

Office of Business and Community Resources

PRE-CONSTRUCTION MEETING -- CONTRACT COMPLIANCE CHECKLIST

Project: _____

Meeting Date: _____

Contractor: _____

Project Superintendent & Phone: _____

Payrolls POC & Phone: _____

RIDOT Contract Administrator: _____

Contract Dollar Amount \$ _____

Contract Projected Start Date _____

Contract Completion Date

List of DBE Subcontractors

Field Office Location and Directions

List of Subcontractors

**DBE Commitment**

DBE Contractor _____

Goal ____ % Amount _____

OJT Commitment

Trainee Man hours _____

EEO/LABOR COMPLIANCE:

- ☐ Give Prime Contractor Pre-Construction Folder (posters, forms, samples)
- ☐ Company is responsible to ensure the work place is free of harassment and to immediately report any complaints to the OBCR

NONDISCRIMINATION:

- ☐ Company needs to show good faith efforts to hire females & minorities
- ☐ **County:** **6.9% Female 3.0% Minority (each trade)**
- ☐ Contractor will use his best efforts to solicit bids from and to utilize DBE subcontractors with meaningful minority group and female representation.

SUBCONTRACTOR APPROVALS:

- ☐ Consents to Sublet must be submitted to Construction NLT 5 days prior to starting work.
- ☐ Anticipate upcoming work and submit early.
- ☐ No unapproved subs can work on site.
- ☐ Primes need to ensure subs do not bring lower-tiers on without approval.

PAYROLLS:

- ☐ Must be submitted weekly to the RE
- ☐ Prime should review subcontractor payrolls for completeness and correctness prior to sending to RE
- ☐ Owner/Operator Truck Drivers must appear on payrolls. Subcontractor approval is fine.

FIELD AUDITS:

- ☐ Every 3-4 weeks. Field Audit Report will be sent to Prime Contractor and/or subcontractor/DBE subcontractor.
- ☐ Primes have 7 days to provide corrective actions to the OBCR
- ☐ Extensions to the 7 day due date must be received within that 7 day period and must be fully justified. Progress payments will be withheld if company is in noncompliance.
- ☐ Interviews will be accomplished at times that least inconvenience the company. Every effort is made to give the project Superintendent a courtesy notification prior to doing interviews.

WORK CLASSIFICATIONS & WAGE RATES:

- ☐ Work classifications must be specific. Submit requests for additional work classifications ASAP
- ☐ Equipment Owner/Operators must have Sub-Contractor approval. Cannot be on Prime's payroll.
- ☐ More than one county involved? ☐ No ☐ Yes (point out any significant differences in rates)

BULLETIN BOARD:

- ☐ Additional work classifications that are requested & approved must be posted on Bulletin Boards
- ☐ Legible & weather resistant (board specifications are outlined in RIDOT Standard Specifications)
- ☐ Mandatory BB posting requirements are in Pre-Con Packet
- ☐ BB must be located at the "site of work" and viewable 24/7
- ☐ Jobs with no field office (statewide, etc.) - bulletin board info must be present w/Superintendent

Appendix C



Rhode Island Department of Transportation
Office of Business and Community Resources

Field Audit Report

- | | |
|--------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Prime Contractor (On-Site) | <input type="checkbox"/> Contractor Compliance Office |
| <input type="checkbox"/> Municipal Official/Contract Administrator | <input type="checkbox"/> DOT Contract Administrator |

Notification to Home Office: _____
Date CCO Initials

Field Audit Date: _____

Project Name: _____ Project #: _____

Contractor: _____ Contract Administrator: _____

RATING: _____ SATISFACTORY (no discrepancies) *Thank you!*

_____ NOT IN FULL COMPLIANCE (discrepancies noted). A Field Audit this date revealed the attached discrepancies. Corrective actions are needed and must be submitted directly to the OBCR no later than _____ (7 calendar days)

_____ UNSATISFACTORY (significant or repeat discrepancies noted) A Field Audit on this date revealed the attached discrepancies. The Contractor's immediate attention is required. Corrective actions must be submitted directly to the Labor Compliance Office no later than _____ (7 calendar days)

IMPORTANT: You must correct the discrepancies cited in this report and respond to the OBCR Compliance Office no later than the date indicated above. Extensions, if needed, must be justified and submitted in writing and will be considered/approved on a case-by-case basis. Failure to respond appropriately by the above due date WILL result in the withholding of progress payments until corrective actions have been completed. Please send all the documentation to Office of Business and Community Resources (address & fax number is below)

RIDOT Office of Business and Community Resources, 2 Capitol Hill, Providence, RI 02903
Phone: (401)-222-3260 Ext. 4513; Fax: (401)-222-6168

Check boxes as applicable:

Employee Interview Summary: (Use attached form if necessary.)

☐ Bulletin Board Discrepancies: (See Attached List)

☐ Underutilization: (Note +/- change in contractor's workforce since last monthly utilization report or FHWA Form 1391 submission. Also comment on the contractor's affirmative outreach and recruitment activities on-site or company-wide, if known.):

☐ Prompt Pay (List subcontractors that have completed their portions of work? Has final payment been made to these subcontractors within 30 days, including the return of retainage? Describe follow-up action to be taken.):

☐ Training/OJT Issues (Are monthly reports being submitted to the OJT CO and is training supervised?):

☐ Employee interview (provide summary concerning work environment, EEO briefing/training, knowledge of related policies, and other pertinent requirements of which the employee should have knowledge) Attach Interview Form if necessary:

RIDOT Compliance Officer

Date

Appendix D

Rhode Island Department of Transportation

CONTRACTOR ACKNOWLEDGEMENT CERTIFICATION (SUBCONTRACT and/or MATERIAL SUPPLIER)

From : _____ (Name of Firm)

Date: _____

To _____
(Name of Firm)

☐ Subcontractor

☐ Lower-tier Subcontractor

☐ Material Supplier

Re: _____
Project Name, Federal and State Number

ITEMS 1 – 7 BELOW APPLY, UNLESS OTHERWISE INDICATED

PRIME CONTRACTOR CERTIFICATION: I hereby certify the below documentation (as checked) was included in, and made part of, the subcontractor agreement entered into with the firm named above.

- ☐ 1. RIDOT Office of Business and Community Resources contact information
- ☐ 2. Required Contract Provisions for Federal-Aid Construction Contracts (Form FHWA 1273)
- ☐ 3. 41 CFR 60-4.2 and 41 CFR 60-4.3 (Solicitations and Equal Opportunity Clauses)*
- ☐ 4. Standard Form - LLL "Disclosure of Lobbying Activities"***
- ☐ 5. Disadvantaged Business Enterprise (DBE) Policy and DBE Program Requirements
- ☐ 6. Certified Payrolls Handout (OBCR Informational Sheet) **
- ☐ 7. Applicable wage rates from Contract Proposal**

*Applicable only to contracts or subcontracts in excess of \$10,000

**Does not apply to Material Suppliers, unless performing work on-site

Printed Name (Prime): _____

Signature: _____

SUBCONTRACTOR CERTIFICATION: As an authorized official of this company, I certify that the documents selected above were made part of our agreement/contract and give assurance that this company will comply with the Required Contract Provisions (Form FHWA 1273), and will include these Provisions in all agreements made with lower-tier Subcontractors/Material Suppliers employed by this company. I further certify that:

- 1. This company is in full compliance with applicable Federal and State of Rhode Island Laws:
☐ This company is properly registered and is in *good standing* with the RI Secretary of State's Office.
- 2. This company [check one] ☐ has, ☐ has not, participated in a previous contract or subcontract subject to the Equal Opportunity clause set forth in 41 CFR Part 60-4 and Executive Order 11246, and where required, has filed with the Joint Reporting Committee, the Director of the Office of

Federal Contract Compliance Programs or the EEO Commission all reports due under the applicable filing requirements.

Firm: _____

Address: _____

Telephone Number: _____

Federal I.D. Number: _____

Estimated Start Date: _____

Estimated Completion Date: _____

Estimated Dollar Amount: _____

Printed Name and Title

Signature

Date

Appendix E

CONTRACT COMPLIANCE REVIEW CHECKLIST

Rhode Island Department of Transportation, Civil Rights Division
SFN 9427 (Rev. 07-2006)

Contractor: Complete this checklist. Attach all required documentation and send to the RIDOT Civil Rights Division at least one week prior to the date of the scheduled Contract Compliance Review. All records concerning Equal Employment Opportunity and Disadvantaged Business Enterprise utilization must be available at the time of the review. All documentation must be clear, legible, organized, and labeled according to section and question number.

IF ALL OF THE **REQUIRED** INFORMATION IS **RECEIVED** TIMELY, AND **AFTER REVIEW**, THERE ARE ONLY A FEW **BASIC QUESTIONS**, A **CONFERENCE CALL** MAY **BE HELD** AT THE **SCHEDULED DATE** AND TIME **INSTEAD** OF AN **ON-SITE VISIT**. A **DECISION WILL BE MADE AND CONVEYED APPROXIMATELY FORTY-EIGHT HOURS PRIOR TO THE SCHEDULED REVIEW**.

COMPANY SPECIFIC:

1. Contract or Project Number	2. Contract Value	3. Date of Review
4. Contractor Identification (Specify if a Disadvantaged Business Enterprise.)		
<input type="checkbox"/> Prime <input type="checkbox"/> Sub <input type="checkbox"/> Vendor <input type="checkbox"/> Supplier <input type="checkbox"/> Other (specify)		
5. Name And Address of Contractor		
6. Project Address, if Different (List county and nearest city or town.)		
7. Name And Title of Policy Making Officer (List titles of other positions currently being held in the company.)		
8. Name And Title of Project Officer (List titles of other positions currently being held in the company.)		
9. Name And Title of Equal Employment Opportunity Officer (List titles of other positions currently being held in the company.)		
10. Contract or Project Production Schedule Beginning date: Est. completion date: Anticipated peak		
11. Type of Work		12. % COMPLETE
13. Is a written EEO Affirmative Action Plan available? <input type="checkbox"/> Yes <input type="checkbox"/> No (Provide a copy of the plan.)		

A. Union Affiliations

1. Is this firm signatory to a collective bargaining agreement(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No (If no, continue to Section C.)
2. Provide a copy of all current collective bargaining agreements.
3. Does the agreement(s) provide for exclusive hiring hall referrals? <input type="checkbox"/> Yes <input type="checkbox"/> No
4. Is there an Equal Employment Opportunity clause incorporated in the agreement(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No
5. If so, on what page does the clause appear?

6. Have required written notices been sent to unions? ☐ Yes ☐ No (Provide documentation.)
7. If the union(s) has been unable to refer qualified minorities and females for employment, have recruitment procedures been established and used to fill job vacancies consistent with the EEO obligations of this contract?
☐ Yes ☐ No (Provide a copy of the procedures and documentation of these efforts.)

Recruitment

1. When advertising for employees in newspapers, trade magazines or other publications, has the notation "An Equal Opportunity Employer" been included in those advertisements? ☐ Yes ☐ No
 (Provide documentation for this **project only** including name of publication and date[s] advertisement ran.)
2. When advertising for employees by any of the above means, has the advertisement been placed in publications that have a large circulation among minorities in the area from which the project workforce would normally be derived? ☐ Yes ☐ No
 (Provide documentation and a list of the newspapers, trade magazines, or other publications used.)
3. Have present employees been encouraged to refer minority and female applicants for employment? ☐ Yes ☐ No
 (Provide documentation supporting this claim.)
4. Who on this project has the responsibility for hiring employees?
5. Have they been instructed in the methods to be followed when locating and hiring minority and female employees?
☐ Yes ☐ No (Provide documentation.)
6. Has systematic and direct recruitment been conducted with referral sources likely to yield minority and female applicants? ☐ Yes ☐ No (Provide details of the results of these contacts.)
7. Have procedures been established with these referral sources whereby minority and female applicants may be referred for employment consideration? ☐ Yes ☐ No (Provide documentation of this contact to include name and address.)
8. What other innovative and proactive recruiting techniques have been used to locate and hire minority and female employees (placing notices or fliers in grocery stores, laundromats, gas stations, etc.)? (Provide documentation.)

Other Recruitment Sources

1. Provide a list of recruitment sources (other than unions) actually used **on** the project this **season**, to include name and address.

EEO Policy

1. Has the EEO policy and other required notices and posters been placed in an area readily accessible to employees, applicants for employment, and potential employees? ☐ Yes ☐ No Where?
2. Check by which of the following means the EEO policy and the procedures to implement such policy have been brought to the attention of all employees on this project at least once annually:
☐ Meetings ☐ Employee Handbooks ☐ Other Appropriate Means

EEO and DBE Officers

1. Has an EEO officer been designated for the company (May be combined with designation of DBE officer. Exhibit A
2. Has adequate written authority delegating the duties and responsibilities of that position been provided to the EEO officer? <input type="checkbox"/> Yes <input type="checkbox"/> No (Provide documentation.)
3. What EEO training has the officer received within the past two years? (Provide dates and details of training.)
4. When was the EEO responsibility assigned to the officer?
5. Annually, approximately what percentage of time does the officer spend on EEO concerns?
6. Has a Disadvantaged Business Enterprise (DBE) officer been designated? (May be combined with designation of EEO officer. See Exhibit A of the form "Required Posters on Federal-Aid Projects.") <input type="checkbox"/> Yes <input type="checkbox"/> No

PROJECT SPECIFIC:

NOTE: The following questions relate to requirements found in FHWA 1273 - Required Contract Provisions, Federal-Aid Construction Contracts; Contract Special Provision - On-the-Job Training Program; Contract Special Provision - EEO Affirmative Action Requirements; and Contract Special Provision - Utilization of Disadvantaged Business Enterprise, which are located in the bidder's proposal.

Subcontractors, Regular Dealers, Vendors, Suppliers, Etc.

1. What is the DBE requirement for this project? %																																								
2. List intended DBE participation (provided at time of bid submittal) and actual DBE participation (amount paid to date) below.																																								
<table border="1"><thead><tr><th></th><th>FIRM NAME</th><th>TYPE OF WORK</th><th>INTENDED AMOUNT</th><th>ACTUAL AMOUNT</th></tr></thead><tbody><tr><td>1.</td><td></td><td></td><td></td><td></td></tr><tr><td>2.</td><td></td><td></td><td></td><td></td></tr><tr><td>3.</td><td></td><td></td><td></td><td></td></tr><tr><td>4.</td><td></td><td></td><td></td><td></td></tr><tr><td>5.</td><td></td><td></td><td></td><td></td></tr><tr><td>6.</td><td></td><td></td><td></td><td></td></tr><tr><td>7.</td><td></td><td></td><td></td><td></td></tr></tbody></table>		FIRM NAME	TYPE OF WORK	INTENDED AMOUNT	ACTUAL AMOUNT	1.					2.					3.					4.					5.					6.					7.				
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3. Provide a copy of all executed subcontract agreements, purchase orders, and canceled checks (front and back) issued to only the DBE subcontractors, regular dealers, and manufacturers participating on this project.																																								
4. Provide a list of all subcontractors, with contracts of \$10,000 or more, on this project to include name and address; dollar amount; type of work or service provided; and whether or not subcontract work has started, is in progress, or has been completed. For those subcontractors that have performed any work on the project , include what their peak employment week has been to date for this project only (to include total number of employees, total number of minority and female employees, and the percent of each).																																								

5. Are there established procedures to ensure subcontractors' compliance with the EEO obligations of this contract? ☐ Yes ☐ No (Provide documentation of this procedure.)

Training

- | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Under the Contract Special Provision - On-the-Job Training Program, how many trainees have been assigned to your company? (If none, continue to Section F.) |
| 2. Are there approved training programs? <input type="checkbox"/> Yes <input type="checkbox"/> No (Provide copies.) |
| 3. How many trainees are actually employed on this project? |
| 4. If there are none on the project at the time of the review, are they anticipated to be on the project? <input type="checkbox"/> Yes <input type="checkbox"/> No When? |
| 5. How many of the trainees are minority , female , or disadvantaged white ? |
| 6. Who certified the nonminority males as disadvantaged? (Provide certification documentation.) |
| 7. In what classifications are they being trained? |
| 8. On what equipment (if applicable) are they being trained? |
| 9. How many hours of training have the trainees received in their classifications to date? |
| 10. Have the trainees received the proper number of training hours as stated in their training programs? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 11. Will the trainees complete their training this season? <input type="checkbox"/> Yes <input type="checkbox"/> No What are their anticipated completion dates? |
| 12. What plans have been made for those trainees who do not complete their programs? |
| 13. Are trainees receiving the proper pay scale for the classifications in which they are being trained? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 14. Have the trainees received rate increases as provided for in their training programs? <input type="checkbox"/> Yes <input type="checkbox"/> No (Provide salary history for trainees including dates and amounts of salary increases.) |
| 15. Are trainees being retained by the contractor after completion of their programs? <input type="checkbox"/> Yes <input type="checkbox"/> No (Provide employment records on all trainees who have completed programs within the past three years.) |

General

1. Is there a discrimination complaint procedure established for this company? (See Exhibit C of the form "Required Posters on Federal-Aid Projects.") ☐ Yes ☐ No (Provide a copy of the procedure.)

2. Have any complaints of discrimination been received within the past three years? ☐ Yes ☐ No

3. If yes, give specific date(s) of complaint(s), nature of complaint(s), who was involved, what action was taken, and the outcome.

(Provide documentation.)

COMPANY & PROJECT RELATED:

Project Personnel

- | 1. What are the employment goals for this project? | % minorities | % females |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------|
| 2. Provide a workforce breakdown for the personnel of this project only by job category, developed from all available payrolls for the current construction season (using the format of the Federal-Aid Highway Construction Contractors Annual EEO Report, Form FHWA 1391). If an employee works in more than one job category, the employee should be counted in the job category in which he or she accumulated the most hours. | | |
| 3. Provide a similar current workforce breakdown reflecting your entire company operation (using the format of Form FHWA 1391 and based on the same week ending date as your last available payroll). | | |
| 4. Provide a list of all new employees hired for each position opening on this project only for the current construction season (as of the same week ending date as your last available payroll), to include name and address, race, sex, recruitment source, job classification, craft, beginning employment date, and starting wage rate. | | |
| 5. Provide a list of all minority and female employees who have worked on the project to date (as of the same week ending date as your last available payroll), to include name and address, race, sex, job classification, beginning work date, ending work date (if applicable), and status of employment (still working on project, transferred to another project, laid off, discharged and for what reason, etc). | | |
| 6. Complete the attached form "Workforce Analysis by Work Hours" for the personnel of this project only using all available payrolls for the current construction season. (A completed sample copy is also attached.) If an employee works in more than one job category, the employee and all of the hours he or she worked should be included under the job category in which he or she accumulated the most hours. | | |

7. Provide a copy of the payrolls used in developing the workforce breakdown and workforce analysis by work hours requested in D-2 and D-6, to include annotations showing job classification, race, and sex.
8. Are nondiscriminatory wage practices utilized on the project (no wage differences between minority female and nonminority personnel within a given classification)? ☐ Yes ☐ No

Project Personnel Actions

1. Are records kept on personnel actions that are necessary to determine compliance with EEO obligations? ☐ Yes ☐ No (Personnel actions include termination, layoff, upgrading, demotion, transfer, training, etc.)
2. Provide a list of promotions made on the project for the **current** construction season, to include name and address, race, sex, and beginning employment date (indicate position held, position promoted into, and corresponding wage rates).
3. Provide a list of all other personnel actions taken on the project for the **current** construction season. The list must include name and address, job classification, wage rate, race, sex, type of personnel action, and date.

Dissemination EEO Policy

1. Has the EEO policy and other required notices and posters been placed in an area readily accessible to employees, applicants for employment, and potential employees? ☐ Yes ☐ No Where?
2. Check by which of the following means the EEO policy and the procedures to implement such policy have been brought to the attention of all employees on this project at least once annually:
☐ Meetings ☐ Employee Handbooks ☐ Other Appropriate Means
 (Provide minutes of meeting with roster of attendees, handbook, or documentation of other means utilized.)
3. Check which of the following prospective employee providers have been made fully aware of the EEO policy and provide documentation:
☐ Schools ☐ Employment Agencies ☐ Labor Unions ☐ College Placement Offices ☐ Other
4. Do supervisory personnel fully understand the company EEO policy? ☐ Yes ☐ No
5. Have all new supervisory personnel and office personnel hired this season been given thorough indoctrination in the EEO policy within 30 days of their employment starting date? ☐ Yes ☐ No (Provide documentation.)
6. Have EEO meetings with supervisory personnel and office personnel been conducted prior to the start of work on this project and at least every six months during the progress of this project? ☐ Yes ☐ No
 (Provide minutes of the meetings including rosters of attendees.)

TO BE COMPLETED BY THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION REVIEWING OFFICER

L. Inspection

1. Review of the project was made to ensure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel. ☐ Yes ☐ No Date:

2. Notices and posters have been placed in an area readily accessible to employees, applicants for employment, and potential employees. ☐ Yes ☐ No Where:

3. Check which of the following are posted at the job site.

- ☐ Poster Board Provided by RIDOT (A)
- ☐ Federal Wage Rates (B)
- ☐ Discrimination Complaint Procedure (C)

4. Are letters and notices dated and signed (where applicable)? ☐ Yes ☐ No

M. Project Manager Review

1. Does the contractor submit timely FHWA 1391 reports? ☐ Yes ☐ No

2. Have Labor Compliance and EEO Contract Compliance Job-Site Interviews been completed? ☐ Yes ☐ No (Attach)

N. General Comments or Observations

1. Has the contractor cooperated with the Rhode Island Department of Transportation and the Federal Highway Administration in the review of their EEO activities under the contract? ☐ Yes ☐ No

2. Make a general statement about the progress of the contractor in the hiring, training, and upgrading of minorities and females.

3. Additional sheets may be attached for comments and recommendations by the reviewing officer concerning information contained in this form. When making comments, refer to specific sections and questions in this report.

Signature – RIDOT Representative

Date

Title

CERTIFICATION

This is to certify that this Questionnaire was completed on _____ and

I also certify and acknowledge the following:

- 1) All *Required Documentation* attached to this Questionnaire is correct to the best of my knowledge.
- 2) If the information/materials provided as part of this audit are deemed complete, a compliance determination will be issued within 15 calendar days. Otherwise, an official of this company shall be required to respond within the same time period to any request by the RIDOT for further information.
- 3) If the information provided by our company is insufficient or our company is ultimately determined to be noncompliant with Required Contract Provisions, the RIDOT OBCR may conduct a comprehensive review of all required records and reports at our Home Office, and shall require our company to take immediate corrective action in response to any area found to be non-compliant.

Printed Name - President/Owner of Company

Signature

(Please complete the below if different from the person above)

Printed Name - Person Completing this Checklist

Signature

Attachments _____

Site Visit Report

Date of Visit:

Reviewer:

Contract Information

1. Contract #:
2. _____ % Completed (\$ Amount) _____ (Physically) _____
3. Fed Aid:
4. Contract Value:
5. Project Location:
6. Prime Contractor:
7. Resident Engineer:
8. Field Office:
9. OJT/Trainee requirement: _____ Hours

Subcontractors on file

See Attached

Project Goal Information

1. Required % goals: Minority 3.0%; Female 6.9%
2. Actual participation % reported: minority _____ %; female _____ %
3. Have the prime and all subcontractors that have participated on the project to date inserted all required current workforce information?
4. Has the Training Program been implemented for a trainee? _____ Yes _____ No
5. Have all payments due to the subcontractors been acknowledged as received by the subcontractor?
_____ Yes _____ No

Comments:

Field Office Information

1. Project Start Date: _____ Anticipated Completion Date: _____
2. Contractor(s) on site today:
3. Have you observed any noncompliant activity? _____ Yes _____ No
4. What is the status of this project? (i.e.; on schedule, delays, payment issues, reporting):

5. Have all certified payrolls been submitted? If yes? Which subcontractors and DBE's were submitted?
6. Are any of the contractors sharing employees with the DBE? _____ Yes _____ No

Comments:

COMMERCIALLY USEFUL FUNCTION

CHECKLIST

Project Name and Number: _____

Prime Contractor: _____

DBE Firm's Name: _____

Type of Operation;

- ☐ Labor Only
- ☐ Furnish and Install
- ☐ Trucker
- ☐ Regular Dealer
- ☐ Manufacturer
- ☐ Broker

Date Contract/Subcontract/Agreement Approved: _____

Start Date(s) of DBE's Work: _____ % DBE Work Complete _____ Date DBE to Complete Work: _____

Date of review:

Describe the type of work to be performed by DBE:

Check off each item used in conducting this review. The documents checked should be filed with the report for easy reference if needed. If the answer is "No" to any of the following questions provide an explanation in the general notes at the end of the report:

1. Management:

a. Is there a legal contract executed by the DBE to perform a distinct element of work?

☐ Yes

☐ No

b. Name of the on-site representative: _____

c. On-site representative reports to: _____

d. Has the on-site representative been identified as an employee of the DBE?

☐ Yes

☐ No

e. Has this individual ever shown up on any other contractor's payroll?

☐ Yes

☐ No

f. Does the DBE on-site representative effectively manage the job site without interference from any other non-DBE contractor?

☐ Yes

☐ No

g. Who does the DBE on-site representative contact for hiring, firing, or to modify the contract? _____

h. Has the DBE owner been present on the jobsite?

☐ Yes

☐ No

i. Does the DBE appear to have control over methods of work on its contract items?

☐ Yes

☐ No

j. Is the DBE maintaining its own payroll?

☐ Yes

☐ No

k. Who prepares the DBE's certified payroll? _____

l. Is the DBE actually scheduling work activities, material deliveries and other related actions required for prosecution of the work?

☐ Yes

☐ No

m. Did the DBE sublet any items or portions of the work to any other firm?

☐ Yes

☐ No

If yes, what % was sublet? _____ %

Name of the firm _____

2. Equipment

a. List the major self-propelled (engine) equipment used by the DBE: _____

b. Does the equipment have the DBE's markings or emblems?

☐ Yes

☐ No

If another firm's markings are discernable, note the Name: _____

c. Is the DBE's equipment?

☐ Owned

☐ Leased from _____

d. If leased, is there a formal agreement identifying the terms and parties?

☐ Yes

☐ No

e. Is the equipment under the direct supervision of the DBE?

☐ Yes

☐ No

f. Is the operator of the leased equipment the DBE's employee?

☐ Yes

☐ No

If not the DBE's, whose employee is it? _____

g. If the equipment is leased, is the payment for the equipment deducted from the work performed?

☐ Yes

☐ No

3. Workforce:

- a. List the name of DBE's crew as observed during the operation described above:

- b. Has any of this crew ever shown up on any other contractor's payroll?
☐ Yes ☐ No

4. Materials:

- a. Is the work to be performed by a DBE a *furnish and install* item of work?
☐ Yes ☐ No

- b. Is the quality of the materials controlled by the DBE? ☐ Yes ☐ No

- c. If two party checks used, who are the parties identified as payable to:

- d. Who makes arrangements for delivery of materials? _____

- e. Material Invoices made out to: _____

- f. Who scheduled delivery of materials? _____

- g. In whose name area materials shipped? _____

- h. Does the prime contractor direct who the DBE is to obtain the material from and at what price?
☐ Yes ☐ No

5. Performance:

- a. Does the DBE appear to have control over methods of work on its contract items? ☐
Yes ☐ No

- b. Has any other contractor performed any amount of work specified in the DBE contract? ☐
Yes ☐ No

6. Other Work categories:

Truckers

- a. Are trucks under the control of the DBE? ☐ Yes ☐ No
Are they ☐ Owned ☐ Leased from _____

If leased, is there a formal agreement identifying the terms and parties?
☐ Yes ☐ No

- b. Do the hourly rates meet the minimum wage requirements indicated on the Wage Decision? ☐
Yes ☐ No

- c. Is there an approved subcontract or written agreement? ☐ Yes ☐ No
Who are the parties? _____

d. Is DBE trucking firms' employees shown on the certified payroll?

☐ Yes

☐ No

Regular Dealers:

a. Does the regular dealer have an established storage facility and inventory?

☐ Yes

☐ No

b. Does the dealer have a business that sells to the public on a routine basis in the product being supplied?

☐ Yes

☐ No

c. Does the business stock the product for the use on the project as a normal stock item?

Yes _____

No _____

d. Is the quality of the materials controlled by the DBE?

☐ Yes

☐ No

e. In whose name are the materials shipped? _____

f. Who is delivering, and unloading the material? _____

g. Is the DBE a dealer of bulk items? Such as sand and gravel, liquid asphalt/petroleum products?

If yes, then:

i. Is the distribution equipment used in delivering the product the DBE's?

☐ Yes

☐ No

Is it ☐ Owned ?

☐ Leased (must be long-term lease of 1 year or more); AND

J. Do the driver's names that appear on the delivery slips employees of the DBE?

☐ Yes

☐ No

4. Manufacturer

a. Is the business's primary function to manufacturer construction products?

☐ Yes

☐ No

b. Does the business stock the product altered for this project as a normal stock item?

☐ Yes

☐ No

c. Is the quality of the materials controlled by the DBE?

☐ Yes

☐ No General Notes:

The undersigned **certifies** that (s)he has reviewed the above referenced project and that the named DBE has been subject to monitoring for CUF compliance on this project and herein conforms with the contract and is true to the best of her/his knowledge and belief.

Reviewer's signature

Date

Appendix F

Site Visit Report

Date of visit:

Reviewer:

Contract Information

1. Contract #: _____ Project Name: _____
2. _____ % Completed (\$ Amount) _____ (Physically) _____
3. Fed aid #:
4. Contract value:
5. Project location:
6. Prime Contractor:
7. Resident Engineer:
8. Field Office:
9. OJT/Trainee requirement: _____ Hours

Subcontractors on file

See Attached

Project Goal Information

1. Required % goals: minority 3.0%; female 6.9%
2. Actual participation % reported: minority ____ %; female ____ %
3. Have the prime and all subcontractors that have participated on the project to date inserted all required current workforce information? _____
4. Has the Training Program been implemented for a trainee? ____ Yes ____ No
5. Have all payments due to the subcontractors been acknowledged as received by the subcontractor? ____ Yes ____ No

Comments:

Field Office Information

1. Project start date: _____ Anticipated Comp. Date: _____
2. Contractor(s) on site today:
3. Have you observed any noncompliant activity? ____ Yes ____ No
4. What is the status of this project? (i.e.; delays, payment issues, reporting): On schedule.
5. Have all certified payrolls been submitted? If yes; which subcontractors and DBE's were submitted? _____
6. Are any of the contractors sharing employees with the DBE? No

Comments:

Prime Contractor Information

Name: _____
Interview all contractors on site

1. Foreman/ Superintendent:
2. How long with Company?
3. How long as a Supervisor for Company?
4. How many people are on your crew today (breakdown classifications)? Minorities or Females (Name and classification)?

Project Personnel:

5. How long has the company been onsite? _____
6. When do you anticipate bringing on additional personnel and in what work classifications?

Comments:

7. Who determines when and what personnel are brought on?

Comments:

8. Is the Superintendent/Foreman aware of EEO/AA and contract goals?

Comments:

9. Are the required EEO/AA posters present at the site and accessible to workers? If so, where are they located?

Comments:

10. Re: Training Special Provisions, are there any trainees working today: (if yes, interview trainee) (Name(s) and Classification(s):

Comments:

11. Questions or concerns about any compliance issues? (Discuss current condition of compliance).

Comments:

DBE/Subcontractor Information

Name: _____

1. Foreman/ Superintendent:
2. How long with Company?
3. How long as a Supervisor for Company?
4. Who do they report to?
5. Is the Superintendent/Foreman aware of EEO/AA and contract goals?

Comments:

6. Items being performed today:

Item:

7. Are the items Labor Only?

Comment:

8. Are any of the items being performed furnish & install (F&I)? ____ Yes ____ No

9. If so, who supplied the materials? _____
Is there an invoice? ____ Yes ____ No

10. Who arranged for the delivery of the material and who delivered it to the site?

Comments:

11. How long has the company been on site? _____

12. How much longer do they intend to be on site? _____

13. Are there any Minorities or Females in your crew today?

(Name(s) and Classification(s):

Comments:

14. Are there any trainees working today? (if yes, interview trainee)

Name(s) and Classification(s):

Comments:

15. Is the DBE using its own equipment?

Comments:

16. Is the equipment owned or leased? If owned, does it have the company's markings? If leased is there a lease agreement?

Comments:

17. Is the DBE using only their personnel to perform their work?

Comments:

18. Is the DBE performing all aspects of its trade without assistance from the prime or any other contractor?

Comments:

Subcontractor Information

Name: _____

1. Foreman/ Superintendent: Undetermined (see comments)
2. How long with Company?
3. How long as a Supervisor for Company?
4. Who do they report to?
5. Is the Superintendent/Foreman aware of EEO/AA and contract goals?
6. Items being performed today:

Comments:

7. Are the items Labor Only? ____ Yes ____ No
8. Are any of the items being performed furnish & install (F&I)? ____ Yes ____ No
9. If so, who supplied the materials? _____
10. Is there an invoice? ____ Yes ____ No ____
11. Who arranged for the delivery of the material and who delivered it to the site?

12. How long has the company been on site? _____
13. How much longer do they intend to be on site? _____
14. Are there any Minorities or Females in your crew today?
(Name(s) and Classification(s): _____
15. Are there any trainees working today? (if yes, interview trainee)
Name(s) and Classification(s): _____
16. Is the DBE using its own equipment? _____
17. Is the equipment owned or leased?
18. If owned, does it have the company's markings? ____ Yes ____ No. If leased is there a lease agreement?
____ Yes ____ No
19. Is the DBE using only their personnel to perform their work? ____ Yes ____ No
20. Is the DBE performing all aspects of its trade without assistance from the prime or any other contractor?

Comments:

Trainee Interview

Name of Trainee/ Apprentice:

- 1. Who do you work for?**
- 2. Are you union affiliated (if yes, what local)?**
- 3. What is your work classification?**
- 4. What is your rate of pay?**
- 5. Are you receiving any cash payments in place of fringe benefits?**
- 6. Are you paid at least time and a half for overtime?**
- 7. Who is your training supervisor?**
- 8. Do you have a copy of your training program?**
- 9. Have you received needed trainee materials? (i.e.; equipment, books, classes.)**
- 10. Do you feel you are receiving training consistent with the approved trainee program?**
- 11. What specific work are you performing today?**
- 12. Have you been in other training programs? (If yes, describe)**
- 13. Overall, do you feel you are being treated fairly?**
- 14. Who would you contact if you experience a problem on the job?**

Comments:

Appendix G

Corrective Action Plan

Date

From: Company Name
Address
City, State & Zip

To: Administrator
RI Dept of Transportation
2 Capitol Hill
Providence, RI 02903

1. In response to the Home Office Equal Employment Opportunity Review conducted by RIDOT on (date of review), company name hereby submits this Corrective Action Plan to address the deficiencies noted that, if left uncorrected, would result in a “non-compliant” determination. We have identified each deficiency and corrective action(s) to be taken with an assigned completion date. We believe this Plan to be effective and appropriate to warrant *good faith* and compliance with the Required Contract Provisions.

- a. Deficiency:

- (1) Corrective Action:

- (2) Date of Completion:

- b. Deficiency:

- (1) Corrective Action:

- (2) Date of Completion:

- c. Deficiency:

- (1) Corrective Action:

- (2) Date of Completion:

2. (Company Name) acknowledges that, upon approval of this plan, an “in compliance” determination will be made. (Company Name) further understands that this compliance determination is contingent upon this plan’s effective and timely implementation and the submission of required progress reports.

Failure to implement this agreement or failure of corrective actions to result in necessary changes will result in the immediate issuance of a 30-day *Show Cause Notice*.

3. (Company Name) will submit the first progress report no later than 14 calendar days from the date of this letter. Subsequent reports, if necessary, will be submitted every 14 calendar days thereafter until all corrective actions have been completed. Each progress report will identify specific actions taken toward correcting the deficiencies in accordance with their established completion dates. Documentation of all completed actions will be submitted to: The Administrator, RIDOT, 2 Capitol Hill, Providence, RI 02903.
4. (Company Name) also understands that upon satisfactory completion of this plan, RIDOT will conduct a follow-up review to confirm the effective implementation of the corrective actions stated herein.

Printed Name, Company Representative

Signature, Company Representative

Date

Appendix H

SAMPLE SHOW CAUSE NOTICE

DATE

NAME

COMPANY NAME

COMPANY ADDRESS

CITY, STATE, ZIP

RE: PROJECT NAME

Equal Opportunity Compliance Review

DEAR _____:

As a result of the equal opportunity compliance review conducted on Date by RIDOT, it is our determination that you are not in compliance with your equal opportunity requirements of the contract and that good faith efforts have not been made to meet your equal opportunity requirements in the following areas:

LIST OF DEFICIENCIES:

- 1.
- 2.
- 3.

Your failure to take the contractually required affirmative action has contributed to the unacceptable level of minority and female employment in your operations, particularly in the semi-skilled and skilled categories of employees. The Department of Labor regulations (41 CFR 60) implementing Executive Order 11246, as amended, are applicable to your federal-aid highway construction contract and are controlling in this matter (see required contract provisions, Form PR-1273, Clause II). Section 60-1.20(b) of these regulations provides that when equal opportunity deficiencies exist, it is necessary that you make a commitment in writing to correct such deficiencies before you may be found in compliance. The commitment must include the specific action which you propose to take to correct each deficiency and the date of completion of such action. The time period allotted shall be no longer than the minimum period necessary to effect the necessary corrections.

In accordance with instructions issued by the Office of Federal Contract Compliance Programs (OFCCP), US Department of Labor, your written commitment must also provide for the submission of monthly progress reports which shall include the work hours of minority and female representation at each level of each trade and a list of minority employees.

You are specifically advised that making the commitment discussed above will not preclude a further determination of noncompliance upon a finding that the commitment is not sufficient to achieve compliance.

We will hold a compliance conference at _____ on _____ for you to submit and discuss your written commitment. If your written commitment is acceptable and if the commitment is sufficient to achieve compliance, you will be found in compliance during the effective implementation of that commitment. You are cautioned, however, that our determination is subject to review by the Federal Highway Administration, the Department of Transportation and OFCCP. These agencies may disapprove of determination if your written commitment is not considered sufficient to achieve compliance.

If you indicate either directly or by inaction that you do not wish to participate in the scheduled conference and do not otherwise show cause within 30 days from receipt of this notice why enforcement proceedings should not be instituted, this department will commence enforcement proceedings under Executive Order 11246, as amended.

If your written commitment is accepted and it is subsequently found that you have failed to comply with its provisions, you will be advised of this determination and formal sanction proceedings will be instituted immediately.

In the event formal sanction proceedings are instituted and the final determination is that a violation of your equal opportunity contract requirements has taken place, any federal-aid highway construction contracts or subcontracts which you hold may be canceled, terminated or suspended and you may be debarred from further such contracts or subcontracts. Such other sanctions as are authorized by Executive Order 11246, as amended, may also be imposed.

We encourage you to take whatever action is necessary to resolve this matter and are anxious to assist you in achieving compliance. Any questions concerning this notice should be addressed to: The Administrator of the Office of Business and Community Resources, Rhode Island Department of Transportation, 2 Capitol Hill, Providence, RI 02903.

Sincerely,

Compliance Officer (or authorized representative)

Appendix I

RHODE ISLAND DEPARTMENT OF TRANSPORTATION



ON THE JOB TRAINING PROGRAM MANUAL

Introduction and Background

The Federal Aid Highway Act of 1968 includes a special section devoted to promoting and insuring Equal Employment Opportunity (hereinafter referred to as OJT) in the field of Federal-Aid highway construction. This Act passed by Congress outlined how the incorporation of equal opportunity legislation and regulations would be accomplished and reiterated that inclusion of these provisions reflected the congressional commitment to the development of an effective equal employment opportunity program.

Under the Federal Aid Highway Act of 1968, the inclusion of an approved affirmative action plan became an important element in the pre-qualification of contractors for federal aid projects. The On-the-Job (OJT) Program was identified as one specific area of Equal Employment Opportunity.

This OJT Guidelines Manual will provide contractors who are involved in the Rhode Island Department of Transportation (herein referred to as RIDOT) federally assisted construction projects and charged with implementing and monitoring of the OJT Program with a user friendly guidebook. The OJT Program is a tool to ensure non-discrimination in hiring, employment and training, and to meet the goals of training and retaining women, minorities and disadvantaged persons in the highway construction industry.

The training programs and procedures contained in this guidebook have been developed for use by firms doing business with RIDOT. Firms participating in the OJT program do so at no cost. Firms may develop or submit their own programs but must submit them to RIDOT for approval. All OJT Programs approved for use will embody the objectives of fairness and equity as required by the Code of Federal Regulations 23 CFR Chapter 1, Subpart C, and Section 230.307 which states:

“Every employee and representative of State Highway Agencies shall perform all official equal employment actions in an affirmative action manner and in accord with the applicable statutes, executive orders regulations and policies enunciated there under, to assure the equality of employment opportunity, without regard to race, color, religion, sex, or national origin both in its own workforce and in the workforces of contractors, subcontractors and material suppliers engaged in the performance of federal-aid highway construction contracts.”

Program Goals

The goals of the Rhode Island Department of Transportation On-the-Job Training Program (RIDOT OJT Program) are as follows:

a. The primary objective of the OJT Program is to train minorities, females and disadvantaged persons in highway construction classifications.

b. To provide a training program that contractors may utilize for meeting their requirements for an approved, active training program that is administered in an equal opportunity manner, as described in FHWA 1273 “Supplemental Provisions—Required Contract Provisions Federal Aid Construction Contracts.”

c. To be used as the structured program for meeting the federal requirements for training on Federal-Aid Highway Construction Projects, as described in 23 CFR Part 230 and as outlined in the “Specific Equal Employment Opportunity Responsibilities and the Training Special Provision” (TSP) within the contracts. Hereafter, the abbreviation “TSP” will be used when referring to the Training Special Provision training slots.

The following guidelines for the training program are necessary to assure the accomplishment of these goals.

If RIDOT makes any changes to this training program, RIDOT will notify the contractor of the changes and of the time schedule for the implementation of those changes.

The On-the-Job-Training Program

The primary objective of RIDOT’s OJT Program is to provide training opportunities for women, minorities, and disadvantaged persons, which will increase their participation in every job classification in the highway construction industry. Established by the U.S Congress as a special section of the Federal Aid Highway Act of 1968, after congressional hearing documented the absence of women, minorities and disadvantaged persons in the highway industry, the training goals were set by the Federal Highway Administration for states and are translated as specific training positions on construction projects. RIDOT makes the assignment of training positions on federal-aid projects. *This training requirement is a binding contract specification and contractors are obligated to meet trainee assignment(s). It is expected that the contractor will graduate the number of trainees specified in the OJT Training Plan and subsequent contract with the Rhode Island Department of Transportation. These assignments are based upon the following considerations:*

- Location of the project.
- Duration of the project.
- Total workforce expected to be used.
- Availability of targeted workers in the area.
- Dollar anticipation
- Work types available for the life of the project.

The Rhode Island Department of Transportation On-the-Job-Training Program assignments will be reviewed and approved on a project-by-project basis. All On-the-Job Training programs must include a list of job classifications covered with the training format for each job classification. If a contractor is using an approved, recognized apprenticeship-training program, a copy of the curriculum outline for the training must be submitted.

If a non-recognized training program is submitted, RIDOT must review it and forward to the Rhode Island Department of Labor for approval.

The Rhode Department of Labor and Training administers apprenticeship programs in compliance with federal regulations that have been issued by the U.S. Department of Labor. Apprenticeship programs will vary in duration depending on position. The contractor provides Training and supervision of trainees properly enrolled in an approved training program.

All employee compensation during training is governed by the Davis/Bacon Act and the project special provisions of the contract.

CONTRACTOR'S REQUIREMENTS

- A. Before beginning any federal aid project, the Contractor must have his or her ***Affirmative Action Plan*** in place and on file with the Department of Administration/EEO Office. This plan should also include who has responsibilities within the business for maintaining the company's EEO/AA status, orienting employees on concerns and organizing and administering the company's On-the-Job Training Program.
- B. Prior to any award, the Contractor must submit ***the OJT Acknowledgement and Statement of Intent form*** and a ***RIDOT Training Plan*** to the RIDOT Office of Business and Community Resources' (OBCR) OJT Compliance Officer for review and approval. The Training Plan must include a list of job classifications covered with a training hour format for each job classification. If a Contractor is using a recognized apprenticeship-training program, a copy of the curriculum outline for the training should be submitted and if a non-recognized training program is submitted, RIDOT must review it and forward to the local FHWA for approval.
- C. Proposed OJT trainees are to be listed on the ***trainee registration enrollment form*** and submitted to OBCR's OJT Compliance Officer for approval. Trainees may not begin training until the approved by RIDOT.
- D. The Contractor orients the training foreman, superintendent and the OJT trainee(s) to their respective responsibilities in the program and provides copies of the training guidelines for the training job classification being used.
- E. The Contractor shall provide a ***certified payroll weekly*** to the Resident Engineer. This payroll should distinguish clearly the trainee's training hours from regular hours worked for each OJT trainee.
- F. The Contractor will monitor and ***submit monthly reports*** for all trainees in the program, for progress, any problems or training issues to the OJT Compliance Officer.
- G. The Contractor ***must*** notify the Resident Engineer and the OJT Compliance Officer verbally within 5 working days of any trainee ***termination or trainee resignations***. The Contractor must also submit termination forms/documentation to the Resident Engineer and the OJT Compliance Officer within 10 working days after the termination. The OJT Compliance Officer will make a determination as to whether this training position needs to be filled.
- H. Contractors who assign training position(s) to subcontractors must be sure the subcontractor has an approved On-The-Job Training Plan on file with the OBCR. The Prime Contractor shall retain the responsibility for full compliance with OJT training requirements of the project.
- I. The contractor shall furnish the trainee a copy of the program he will follow in providing the training. The contractor shall provide each trainee with a ***certificate*** showing the type and length of training satisfactorily completed.

Recruitment

The recruitment of workers who are members of the targeted population for On-the-Job Training trainees is a vital element in the Contractor's successful completion of their OJT Affirmative Action requirements. When the traditional hiring methods do not bring a sufficient number of women, minorities and disadvantaged persons into the highway construction industry, the Contractor has the responsibility to expand the scope of their recruitment activities to increase participation by women, minorities and disadvantaged persons.

It should be noted the selection of a trainee for the OJT Program need not be a new hire. Contractors are encouraged to look within their existing workforce for any potential employees that may be selected for an upgrade from their current position. In today's challenging times, contractors may find it difficult to increase staffing levels. Contractor's exploring upgrading opportunities within their workforce may find this method of trainee selection more helpful in maintaining a compliant OJT Program.

In the event the union is unable to provide the contractor with a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race color, religion, sex, national origin, age or disability; making full efforts to obtain qualified minority and female individuals. **The DOL has held that it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral fails to refer minority/female employees.** In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and the special provision, such contractor shall immediately notify RIDOT.

Recruitment efforts should address the following barriers for hiring minorities, women:

- Outreach: Women, minorities, and disadvantaged persons lack awareness of employment opportunities in the construction industry
- Education: Women, minorities, and disadvantaged persons lack familiarity with construction hiring practices
- Outreach / Education / Information: Women, minorities, and disadvantaged persons may view employment in the construction industry as a "temporary" job
- Education / Information: Apprehension about the construction site environment (fear of being unwanted on the job site)
- Outreach: Seek women, minority, and disadvantaged candidates that have knowledge, skills, ability and experiences that may not be directly comparable qualifying experiences for training in construction job classifications (transferable knowledge, skills and abilities).
- Structural Title VII discrimination practices by hiring personnel (Prejudices and biases)

Pro-active Recruitment Approaches

- The first element in a successful recruitment effort is to make a job description specific, concise, and complete. A clear job description helps to address and overcome several of the barriers noted above. The job description serves to tell people about the highway construction industry. It "demystifies" the skills and aptitude needed, encourages the applicant, and instructs them on how to apply. Since these are training positions, companies should stress transferable skills or aptitudes in comparable qualifying experiences or craft areas that are needed or "desirable" in applicants rather than merely indicating the kinds of work to be done or equipment to be used.
- The second element to a successful recruitment effort is the widespread distribution of any vacancy announcement and a general versus targeted outreach effort into the female, minority, and disadvantaged communities. The following are recommended recruiting approaches: Place job advertisement announcements in newspapers, newsletter and in other publications that serve the female, minority, and disadvantaged communities.
- Mail job announcements to organizations that serve the women, minority, and disadvantaged communities, such as the Urban League, SER Jobs for Progress, Progreso Latino, Goodwill Industries, RI Dept of Labor and Training, CCAP, BVCAP, Tri-Town, Vocational and Trade Schools.
- Establish a working rapport with community-based agencies that serve the women, minority, and disadvantaged communities. Conduct educational and informational workshops on the construction industry at the site of the community based agency.
- Advertise job announcements on radio and television with high women, minority, and disadvantaged person ratings, and utilize government access television channels and leased access cable television programs that reach the female, minority, and disadvantaged communities.
- Visit high schools, community colleges, colleges, university, and other technical institutions. Attend career fairs where there are significant female, minority, and disadvantaged populations.

Through the implementation of a recruitment approach that is pro-active the RIDOT and Contractors will increase their chances of successfully achieving their female, minority, and disadvantaged person hiring goals for federal aid projects.

Retention

The ultimate goal of RIDOT's On-the-Job Training Program is to increase the number of women, minorities, and disadvantaged persons in every skill category in the highway construction industry. For this reason, the retention of trainees upon their completion of the training program and graduation is a primary goal for RIDOT's On-the-Job Training Program. Termination of Women, minorities, and disadvantaged persons by a contractor immediately after completion of training is an issue of concern for RIDOT and USDOT. Although the highway construction industry requires a very fluid or mobile workforce, the goal of the On-the-Job Training Program is to place Women, minorities, and disadvantaged persons with companies on a permanent basis. Every effort should be made by contractors to encourage the graduation of On-the-Job Training participants and to place and retain them permanently in the highway construction industry as part of their workforce.

Criteria for Approval of non-US DOL Recognized Training Programs to Fulfill OJT Requirements

General criteria

- The training plan must be in writing and, at a minimum, must contain or meet the following criteria:
 - **Training classification and trainee selection**
 1. The classification of work must be commonly recognized.
 2. Trainees shall not have more than 2000 hours of prior experience in related work, or have previously participated in more than two (2) training programs pursuant to fulfilling the TSP requirements on a RI DOT contract.
 3. The selected training classification and race/gender of the OJT candidate should serve to achieve the workforce utilization goals in the construction crafts, as stated in the contract's OJT Special Provision. By exception, contractors may be permitted to employ individuals and training classifications (i.e. assistant project managers, estimators, etc.) to fulfill training requirements where there is evidence that all efforts to recruit minorities and females in the construction crafts have been exhausted.
 4. Existing employees can be enrolled provided there is evidence that the proposed wages and completion of training serve to advance the individual's employment status **and an increase in wages**.
 5. A Detailed job description will be provided that lists tasks and processes pertinent to the position for which training will be provided.
 - **Supervision**- The contractor shall give assurance and designate an experienced first-line supervisor to administer all phases of training.
 - **Wages**- for work on-site, the training classification must be listed on the approved wage decision covering the project or submitted for approval through the US DOL Conformance Process (via SF- 1444). For classifications of work not performed on the project site, the approving RI DOT official will determine whether the proposed wages are commensurate with industry practice.
 - A schedule for the payment of wages meeting the following standards shall be included: At least 60% of the approved minimum wage (incl. fringes) must be paid for the first half of training; at least 75% shall be paid in the third quarter, and at least 90% in the last quarter.
 - Period of training- the term of training shall be no less than 2,000 hours and shall not exceed 4,000 for non-apprenticeship positions. Hours for apprenticeship positions may exceed 4,000 hours when they are predetermined and approved by the DOL.

ON THE JOB TRAINING REFERRAL LIST

SER-Jobs for Progress, Inc.
101 Main St., Suite 302
Pawtucket, RI 02860

Building Futures
133 Delaine St., 2nd Fl.
Providence, Rhode Island 02909

Urban League of RI
246 Prairie Ave
Providence, RI 02905

RI Indian Council
807 Broad St.
Providence, RI 02907

The Metropolitan Career & Tech. Ctr.
80 Washington Street, Room 325
Providence RI 02903

Youth Build Providence
114 Delaine Street
Providence RI 02909

Progreso Latino
626 Broad Street
Central Falls RI 02863

International Institute of R.I.
645 Elmwood Avenue
Providence RI 02907

Rhode Island Department of Transportation

On the job Training Special Provision

This Training Special Provision is in implementation of 23 U.S.C. 140(a).

As part of the contractor's equal employment opportunity and affirmative action programs, training shall be provided as follows:

The contractor shall provide on-the-job training aimed at developing full journey worker status in the type of trade or job classification involved.

The number of training hours assigned to this contract per this special provision will be ____ hours. The specific number of trainees to be determined during post qualification.

In the event that a contractor subcontracts a portion of the contract work, he shall determine how many, if any, of the trainees are to be trained by the subcontractor, provided, however, that the contractor shall retain the primary responsibility for meeting the training requirements imposed by this special provision. The contractor shall also insure that this training special provision is made applicable to such subcontract. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training.

The number of trainees shall be distributed among the work classifications on the basis of the contractor's needs and the availability of journey worker in the various classifications within a reasonable area of recruitment. Prior to commencing construction, the contractor shall submit to RIDOT for approval the number of trainees to be trained in each selected classification and training program to be used. Furthermore, the contractor shall specify the starting time for training in each of the classifications. The contractor will be credited for each trainee employed by him on the contract work that is currently enrolled or becomes enrolled in an approved program and will be reimbursed for such trainees as provided hereinafter.

GOOD FAITH EFFORTS

Training and upgrading of minorities and women toward journey worker status is a primary objective of this Training Special Provision. Accordingly, the contractor shall make every effort to enroll minority trainees and women (e.g., by conducting systematic and direct recruitment through public and private sources likely to yield minority and women trainees) to the extent that such persons are available within a reasonable area of recruitment. The contractor will be responsible for demonstrating the steps that he has taken in pursuance thereof, prior to a determination as to whether the contractor is in compliance with this Training Special Provision. This training commitment is not intended, and shall not be used, to discriminate against any applicant for training, whether a member of a minority group or not.

No employee shall be employed as a trainee in any classification in which he has successfully completed a training course leading to journey worker status or in which he/she has been employed as a journey worker. The contractor should satisfy this requirement by including appropriate questions in the employee application or by other suitable means. Regardless of the method used the contractor's records should document the findings in each case.

ACCEPTABLE TRAINING

The minimum length and type of training for each classification will be as established in the training program selected by the contractor and approved by RIDOT and the Federal Highway Administration. RIDOT and the Federal Highway Administration shall approve a program if it is reasonably calculated to meet the equal employment opportunity obligations of the contractor and to qualify the average trainee for journey worker status in the classification concerned by the end of the training period. Furthermore, apprenticeship programs registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with the Rhode Island apprenticeship agency recognized by the Bureau and training programs approved but not necessarily sponsored by the U.S. Department of Labor, Manpower Administration, and Bureau of Apprenticeship.

Training shall also be considered acceptable provided it is being administered in a manner consistent with the equal employment obligations of Federal-aid highway construction contracts. Approval or acceptance of a training program shall be obtained from RIDOT prior to commencing work on the classification covered by the program. It is the intention of these provisions that training is to be provided in the construction crafts rather than clerk-typists or secretarial-type positions. Training is permissible in lower level management positions such as office engineers, estimators, timekeepers, etc., where the training is oriented toward construction applications. Training in the laborer classification may be permitted provided that significant and meaningful training is provided and approved by the

division office. Some offsite training is permissible as long as the training is an integral part of an approved training program and does not comprise a significant part of the overall training.

REIMBURSEMENT

Except as otherwise noted below, the contractor will be reimbursed \$6 per hour of training given an employee on this contract in accordance with an approved training program. As approved by the engineer, reimbursement will be made for training persons for the number of hours specified herein on the project covered by this contract. This reimbursement will be made even though the contractor receives additional training program funds from other sources, provided such other does not specifically prohibit the contractor from receiving other reimbursement.

Reimbursement for offsite training will not be made to the contractor however because RIDOT has a CONTRACTOR based OJT program, credit for offsite training will be granted if the contractor; contributes to the cost of the training, provides the instruction to the trainee or pays the trainee's wages during the offsite training period or the trainees are concurrently employed on another Federal-aid project.

No payment shall be made to the contractor if either the failure to provide the required training, or the failure to hire the trainee as a journey worker, is caused by the contractor and evidences a lack of good faith on the part of the contractor in meeting the requirements of this Training Special Provision. It is normally expected that a trainee will begin training on the project as soon as feasible after start of work utilizing the skill involved and remain on the project as long as training opportunities exist in the work classification or until the trainee has completed the training program. It is not required that all trainees be on board for the entire length of the contract. A contractor will have fulfilled his responsibilities under this Training Special Provision if he has provided acceptable training to the number of trainees specified. The number trained shall be determined on the basis of the total number enrolled on the contract for a significant period.

Trainees will be paid the appropriate rates approved by the Departments of Labor or Transportation in connection with the existing program shall apply to all trainees being trained for the same classification who are covered by this Training Special Provision.

Trainees will be paid at least 60 percent of the appropriate minimum journeyman's rate specified in the contract for the first half of the training period, 75 percent for the third quarter of the training period, and 90 percent for the last quarter of the training period, unless apprentices or trainees in an approved existing program are enrolled as trainees on this project. In that case, the appropriate rates approved by the Departments of Labor or Transportation in connection with the existing program shall apply to all trainees being trained for the same classification who are covered by this Training Special Provision.

The contractor shall furnish the trainee a copy of the program he will follow in providing the training. The contractor shall provide each trainee with a certification showing the type and length of training satisfactorily completed.

The contractor will provide for the maintenance of records and furnish periodic reports documenting his performance under this Training Special Provision.

CONTRACTORS' PROCEDURES

Pre-award

Before beginning any federal aid project, the Contractor must have his or her Affirmative Action Plan in place and on file with the Department of Administration/EEO Office.

- A. Prior to any award, the Contractor must submit a specific plan that includes the following: the RIDOT OJT ANNUAL Training PLAN, which includes a listing of all current projects (FAP and Non-FAP, Trainee Registration Form and the attached OJT Acknowledgment and Statement of Intent. and submit it to the RIDOT Office of Business and Community Resources (OBCR) OJT Compliance Officer for review and approval.
- B. The Contractor must either use a US DOL approved program or an approved training program of a recognized labor organization or trades council.

Post-award

- A. Proposed On-the-Job trainees are to be listed on the Trainee Registration enrollment form for each trainee to be employed and submitted to OBCR's OJT Compliance Officer for approval. Trainees may not begin training until the approved by RIDOT.
- B. The Contractor orients the training foreman, superintendent and the On-the-Job Training trainee(s) to their respective responsibilities in the program and provides copies of the training guidelines for the training job classification being used.
- C. The Contractor shall provide a certified payroll weekly to the Resident Engineer. This payroll should distinguish clearly the trainee's training hours from regular hours worked for each On-the-Job trainee.
- D. The Contractor will monitor and submit monthly reports (called Monthly Report) for all trainees in the program, for progress, any problems or training issues to the OJT Compliance Officer.
- E. The Contractor must notify the Resident Engineer and the OJT Compliance Officer verbally within 5 working days of any trainee termination or trainee resignations. The Contractor must also submit termination forms/documentation to the Resident Engineer and the OJT Compliance Officer within 10 working days after the termination. Subsequent to any trainee's termination or resignation, the OJT Compliance Officer will make a good faith effort determination (regarding the contractor's best efforts to replace the trainee as to whether this training position needs to be filled.
- F. Contractors who assign training position(s) to subcontractors must be sure the subcontractor has an approved On-The-Job Training Plan on file with the OBCR, as indicated in "B" above. The Prime Contractor shall retain the responsibility for full compliance with OJT training requirements of the project.
- G. The contractor shall furnish the trainee a copy of the program he will follow in providing the training. The contractor shall provide each trainee with a certification showing the type and length of training satisfactorily completed.
- H. The contractor will provide for the maintenance of record and furnish periodic reports documenting his performance under this Training Special Provision.

RIDOT OJT PROGRAM
TRAINEE REGISTRATION FORM

Contractor _____ Date _____

Trainee Name _____

Address _____

Phone # _____

Ethnic Group _____ Male _____ Female _____

Training Classification _____

New Hire _____ Rehire _____ Upgrade _____

Start Date _____ Current Rate of Pay _____

% of Apprenticeship Completed _____

Trainee Signature

EEO Officer Signature

Rhode Island Department of Transportation – On the Job Training Program

RIDOT/Supportive Service Agent

Date

RIDOT/Administrator, Community & Business Resource

Date

MONTHLY REPORT

Period: From: _____ To: _____

Contractor _____

*Note if the company does not have trainees, please complete only section III.

I.

Trainee Name: _____

Address: _____

Total Hours to date: _____

Hours this period: _____

II.

Please note period of time at each location listed

Location & Training Received	FAP	Non FAP

III.

List any modification of the approved Annual Training Plan, since last submitted report. Include New Contract Awards, new trainees, progress of each RIDOT contract, including % complete of each contract. _____

IV.

Remarks: (list trainee absence, tardiness, early dismissal, status progress, etc.)

Trainee Status: Working: _____ Lay-off (date): _____ other: _____

Submitted by: _____ Date: _____

Prime contractor's OJT Officer

*This report is due within 10 days from the end of the month being reported.

**RIDOT
ON-THE-JOB TRAINING
ACKNOWLEDGEMENT AND STATEMENT OF INTENT**

Date

To: RIDOT OJT Coordinator
Office of Business and Community Resources
Rhode Island Department of Transportation
2 Capitol Hill Rm109
Providence, RI 02903

Project Name and Number: _____

_____ (Company) has reviewed the OJT training requirements (Training Special Provisions) stated in the contract for the above noted project. Based on these requirements, the availability of applicants within a reasonable area of recruitment, and in an effort to meet the minority and female participation goals outlined in the contract (Affirmative Action Requirements, 41 CFR 60-4.2-Solicitations), our company will select a qualified trainee(s) and conduct training under the classification(s) identified below in accordance with the

(Name of Program)

***Submit copy of training program (training classification) to be used.**

The undersigned has personally reviewed the content of each selected training classification in relation to the project scope and assures that all portions of training can be completed if initiated by the “no later than” (NLT) date indicated below.

1 Selected Training Classification	2 Number of Trainees in Classification	3 Projected Start Date	4 NLT Start Date in Order to Complete training hours
1.			
2.			
3.			
4.			
5.			

IMPORTANT: Written justification is required to substantiate the selection of training classifications where company representation is below the minority and female participation goals specified in the contract. Compare columns (i) and (j) of the table on page 2 of 2 with 41 CFR 60-4.2, Affirmative Action Requirements.

Please provide information regarding your company's current workforce demographics in the trades listed below:

(a) Trade Classification	(b) Total Employee es	(c) Female	(d) Hispanic	(e) American Indian or Alaskan Native	(f) Black	(g) Asian or Pacific Islander	(h) Total of columns (d) through (g)	(i) Minority Percentage (h) / (b)	(j) Female Percentage (c) / (b)
Constr. Supervisors									
Constr. Foreperson									
Carpenters									
Equipment Mechanics									
Equipment Operators									
Grade Foreman Asst.									
Ironworker									
Laborers									
Truck Drivers									

The authorized representative below certifies that the information proved herein is accurate and is made in good faith:

Company EEO Officer

Signature

Date: _____

Approval ☐ Disapproval ☐

Date: _____

RIDOT OJT Coordinator

CONTRACTOR: Submit in original to RIDOT OJT Coordinator for review/approval. Distribution: 1 – Contractor; 1 –RIDOT Construction Section (for project records); 1 – Trainee.

Appendix J

Annual Accomplishments and Work Plan 2015

1. Table of Activities : Limited activity

Activity	Compliance Determination			Pending Reviews	Active CAPs	Completed CAPs	Contractors Reviewed
	Non-Compliant	Compliant	Not in Full Compliance (Field Audit Only)				
Field Audits	15	120				15	120
Desk Audits		4					4
Home Office Reviews	1	3			3		
Follow-up Reviews*		1					

*Follow-up reviews necessary to verify the completion of CAPs.

RHODE ISLAND DEPARTMENT OF TRANSPORTATION Accomplishment Report 2014 and Work Plan 2015

Accomplishments in the construction EEO compliance program during the past fiscal year.

A. Regular project compliance review program for 2015

1. Number of compliance reviews conducted.

Four

2. Number of contractors reviewed.

Four

3. Number of contractors found in compliance.

Three

4. Number of contractors found in noncompliance.

One

5. Number of show cause notices issued.

None

6. Number of show cause notices rescinded.

None

7. Number of show cause actions still under conciliation and unresolved.

None

8. Number of follow-up reviews conducted.

One

Follow-up activity:

Manafort Brothers Inc. was found non-compliant for:

- Recruitment contingencies for shortcomings with Affirmative Action requirements
- Project Personnel Actions and Reporting
- Applicant tracking process for Affirmative Action requirements
- Failure to achieve the established goal for females throughout the organization

Manafort was given a letter of compliance from the OFCCP Hartford office. However, the letter of compliance was for a review which was outside the scope of the review conducted by RIDOT. The contractor is in disagreement with RIDOT's finding of "non-compliance". In light of this issue, RIDOT is scheduling a follow-up review to verify the claim of "compliant" by the contractor. A follow-up report will be forwarded to FHWA when completed along with any corrective action required from the contractor..

B. Consolidated compliance reviews.

NONE

1. Identify the target areas that have been reviewed since the inception of the consolidated compliance program. Briefly summarize total findings.

NA

2. Identify any significant impact or effect of this program on contractor compliance.

NA

C. Home office reviews

If the State conducts home office reviews, describe briefly the procedures followed by State.

2. Home Office Reviews:

In preparation for a Home Office Review, the contractor is contacted by telephone and a mutually agreed upon review date is confirmed. The CCO then sends a notification letter to the contractor. This correspondence will include instructions for the submission of any additional information required and not previously submitted with the Desk Audit. The contractor will generally be notified at least 30 days prior to the Home Office Review. Once scheduling and notification are completed, the Home Office Review process continues in the following sequence:

- a) Preliminary Analysis
- b) Onsite Verification
- c) Exit Conference
- d) Compliance Determination
- e) Conciliation Efforts during Show Cause Period.
- f) Corrective Action Plan (CAP)

D. Major problems encountered

Describe major problems encountered in connection with any review activities during the past fiscal year.

None

E. Major breakthroughs

Below are our brief comments on any major breakthrough or other accomplishment significant to the compliance review program.

Recent staffing issues within the RIDOT Contractor Compliance Unit's DBE Program have necessitated a review of the process for the scheduling of project to be reviewed. A new Excel scheduling/reporting schematic with embedded Field Audit Review Forms and CUF reports is being developed to assist with the management, tracking and accountability of all field activities within the Contractor Compliance unit.

Area-wide plans/hometown and imposed (if applicable).

A. Provide overall analysis of the effectiveness of each area-wide plan in the State.

Not Applicable

WORK PLAN 2015

Four compliance reviews are planned for 2015.

Aetna Bridge Company 2012-CB-030, 2012-DF-036, 2014-Cb-004

All States Asphalt 2013-CR-091, 2013-CR-088

Lucena Brothers 2013 CT-105

Safety Marking Inc. 2014-CT-011, 2014-CT-012

All compliance reviews include home office EEO/AA policies and procedures reviews.

Field visit reviews for the 2015 construction season will include:

DBE CUF reviews

Labor compliance reviews

Employment utilization reviews

Employee site interviews

OJT participant interviews

Required poster checks

Follow-up with contractor/project complaints

The goal for RIDOT's Contractor Compliance Unit is to review each project at least two times per year, completing a Field Audit Report for each visit and two (2) CUFs for each DBE that performed work. CUFs shall be conducted either during or after the DBE's major portion of work is completed.

We will address any changes, trends and patterns in the field as they occur. We will also inform FHWA of any significant findings discovered in the field as they occur. All corrective action measures taken by RIDOT and the contractor will be recorded and stored in a project folder located within the OBCR.

Additional Goals

RIDOT was unable to deliver contractor training due to delays with the implementation of its new PRISM software. The software will be available for use by the contractor community, summer 2015. RIDOT will make every effort to deliver training providing it can be delivered without disrupting the contractor's ongoing project activities.

RIDOT's Professional Development and Training Office provide ongoing training for all employees throughout the construction season. RIDOT will provide additional training for contractor compliance at the conclusion of the 2015 construction season. This training will also provide a forum for contractors to address any concerns or challenges they may have.

Development of Procedures

During 2015, RI DOT will continue to develop forms and detailed procedures to improve performance in the following areas:

- Modified Field Audit and CUF Review forms
- Creation of a spreadsheet for active projects with DBE commitments.
- Spreadsheet will include the modified review forms embedded into a tracking calendar.
- Spreadsheet will serve as a daily tool to monitor and track field activities.

Appendix K

Contract Provisions for Federal-aid Construction and Service Contracts Required by FHWA or Other Agencies

Agency / Requirement	Form	Statute	Regulation	Highway Construction (1)	Non-Highway Construction (2)	Service Contracts (3)	Remarks:
Buy America Requirements	State developed provisions	23 USC 313	23 CFR 635.410	Yes	Yes	Yes	Applicable to all projects financed under Title 23 that use or acquire steel & iron materials.
Disadvantaged Business Enterprise	State Developed Provisions	See authorization legislation (e.g. MAP-21, S. 1101)	49 CFR Part 26	Yes See Remarks	Yes See Remarks	Yes See Remarks	Applicable as necessary to meet State DBE program goals
Non-Collusion Provision	State Developed Provisions	23 USC 112 (c)	23 CFR 635.112(f)	Yes	No	No	Applicable to highway construction contracts financed under 23 USC
On-the-Job Training Provisions	Appendix B to Subpart A of Part 230â€ Training Special Provisions	23 USC 140(a) & (b)	23 CFR 230 Subpart A Appendix B to Subpart A of Part 230â€ Training Special Provisions	Yes	See remarks	No	Projects designated by the State in setting State-wide training goals
Standardized Changed Conditions Contract Clauses	State developed contract provisions	23 USC 112(e)	23 CFR 635.109	Yes	No	No	Applicable to all highway construction projects (except for design-build projects where applicability will be determined on a project-by-project basis).
FHWA Required Contract Provisions	Form FHWA-1273 - Required Contract Provisions (.pdf)		23 CFR 633.102	Yes	Yes (5)	No	Form FHWA-1273 must be incorporated in all Federal-aid construction solicitations and contracts
USDOL OFCCP EEO Clause	Equal Employment Opportunity Clause		41 CFR 60-1.4(b) 2 CFR Part 200 Appendix II (C)	Yes See Remarks	Yes See Remarks	No (only applies to construction)	41 CFR 60-1.4(b) for Federally assisted construction contracts; Note: 41 CFR 60-1.4(d) allows for incorporation by reference (referenced in FHWA-1273)
USDOL OFCCP Notice of Requirement for Affirmative Action	Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246)		41 CFR 60-4.2(d)	Yes	Yes	No (only applies to construction)	The notice shall be included in all solicitations on all federally assisted construction contracts or subcontracts in excess of \$10,000. Minority goals are published in DOL's Technical Assistance Guide for Federal Construction; Contractors - Appendix E.

Agency / Requirement	Form	Statute	Regulation	Highway Construction (1)	Non-Highway Construction (2)	Service Contracts (3)	Remarks:
USDOL OFCCP EEO Contract Specifications	Standard Federal EEO Construction Contract Specifications (Executive Order 11246)		41 CFR 60-4.3	Yes	Yes	No (only applies to construction)	The notice shall be included in all solicitations on all federally assisted construction contracts or subcontracts in excess of \$10,000
USDOT Disadvantaged Business Enterprise Program Requirements	State contract provisions based on Federal requirements		49 CFR 26	Yes See Remarks	Yes See Remarks	Yes See Remarks	Applicable to solicitations and contracts as defined in the State's approved DBE program.
FHWA Non-Collusion Statement	State developed solicitation provision based on the language in 23 CFR 635.112(f)	23 USC 112(c)	23 CFR 635.112(f)	Yes	No	No	Applicable to Federal-aid highway construction projects
Sanctions and Penalties for Breach of Contract	State developed contract provision		2 CFR Part 200 Appendix II (A)	Yes	Yes	Yes	Required for all contract in excess of the simplified acquisition threshold (currently set at \$150,000), must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
Termination for Cause and Convenience	State developed contract provision		2 CFR Part 200 Appendix II (B)	Yes	Yes	Yes	Required for all contracts in excess of \$10,000
EEO Clauses required by 41 CFR Part 60	See: "USDOL OFCCP EEO Clause" above; Referenced in FHWA-1273-II		2 CFR Part 200 Appendix II (C)	Yes	Yes	Yes	Referenced in FHWA-1273 - II
Davis-Bacon Act (Prevailing Wage Rate Requirements)	See form FHWA-1273, Section IV (.pdf) & Federal Prevailing Wage Determination	23 USC 113, 40 USC 3141	2 CFR Part 200 Appendix II (D) and 23 CFR 635.309(f) 29 CFR 1, 3, 5	See remarks	See remarks	See remarks	<p>Required for Title 23 funded highway construction projects located on a Federal-aid highway (excludes local roads or rural minor collectors); or when required by statute (e.g. Transportation Alternatives Program Projects under 23 U.S.C. 213(e))</p> <p>Required for construction projects funded outside of Title 23, when required by Federal program legislation.</p> <p>Contract provision provided in form FHWA-1273, Section IV.</p>
Contract Work Hours and Safety	See form FHWA-1273, Section V	40 USC 3701-3708	2 CFR Part 200 Appendix II (E)	See remarks	See remarks	See remarks	Provision is applicable to Federal-aid construction

Agency / Requirement	Form	Statute	Regulation	Highway Construction (1)	Non-Highway Construction (2)	Service Contracts (3)	Remarks:
Standards Act							contracts in excess of \$100,000; see language in form FHWA-1273.
Rights to Inventions Made Under a Contract or Agreement			2 CFR Part 200 Appendix II (F) ; 37 CFR Â§401	No	No	See remarks	Applicable to inventions under government research grants, contracts and cooperative agreements
Clean Air Act / Federal Water Pollution Control Act	Incorporated in Form FHWA-1273, IX		2 CFR Part 200 Appendix II (G)	Yes (4) See remarks	Yes (4) See remarks	See remarks	Construction contracts and subgrants of amounts in excess of \$150,000
Energy efficiency	As appropriate for each State developed plan	42 U.S.C. 6201	2 CFR Part 200 Appendix II (H)	See remarks	See remarks	See remarks	Applicable when there is a mandatory standards / policies relating to energy efficiency in the state energy conservation plan
Debarment and Suspension	See form FHWA-1273, Section X		2 CFR Part 200 Appendix II (I) 2 CFR 180	Yes (4)	Yes (4)	Yes (4)	Example certification provided in Form FHWA-1273, Section X
Byrd Anti-Lobbying Amendment	See form FHWA-1273, Section XI (.pdf)		2 CFR Part 200 Appendix II (J)	Yes (4)	Yes (4)	Yes (4)	Example provision provided in Form FHWA-1273, Section XI
Procurement of Recovered Materials	As appropriate for each State developed Affirmative Procurement Plan		2 CFR Part 200 Appendix II (K) 2 CFR 200.322 40 CFR part 247	See Remarks	See Remarks	See Remarks	Compliance with section 6002 of the Solid Waste Disposal Act as appropriate, EPA Guidelines and State Affirmative Procurement Plans

Footnotes:

- (1) Federal-aid Highway Construction Contracts include Title 23 funded projects on the NHS and non-NHS (within the right-of-way of a public highway (see [Mr. Horne's June 26, 2008 memo](#)).
- (2) Non-highway construction projects are construction projects that are not located within the right-of-way of a public highway or linked to a Federal-aid highway project.Â If a project is linked to a Federal-aid highway project, then it is subject to FHWA highway construction contracting requirements. Â Linkage may be established through the environmental review process.Â Examples of construction projects that are not highway construction include bicycle trails, historic preservation of buildings, and other projects that are not located within the right-of-way of a public highway (see [Mr. Horne's June 26, 2008 memo](#)).
- (3) "Service contracts" include projects to acquire services or equipment that are neither construction contracts nor engineering services contracts related to the construction of a Federal-aid project. Service contracts may include equipment acquisitions, vehicle acquisitions, vehicle retrofit projects, roadside assistance services, planning studies, etc.).
- (4) Example contract language is provided in [Form FHWA-1273 \(.pdf\)](#).
- (5) Certain FHWA-1273 requirements may not apply. See each section of Form FHWA-1273 for details. All construction contracts funded under Title 23 should include form FHWA-1273, and when appropriate, a separate provision noting the specific requirements that are not applicable to that contract (e.g. Davis-Bacon prevailing wage rate requirements are not required if the project is not located on a Federal-aid highway).

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PDF files can be viewed with the [Acrobat® Reader®](#)
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